

EVERY STATE IS A BORDER STATE: EXAMINING SECRETARY MAYORKAS' BORDER CRISIS

HEARING BEFORE THE COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES ONE HUNDRED EIGHTEENTH CONGRESS FIRST SESSION

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CONTENTS

	Page
STATEMENTS	
The Honorable Mark E. Green, a Representative in Congress From the State of Tennessee, and Chairman, Committee on Homeland Security:	
Oral Statement	1
Prepared Statement	10
The Honorable Bennie G. Thompson, a Representative in Congress From the State of Mississippi, and Ranking Member, Committee on Homeland Security:	
Oral Statement	11
Prepared Statement	13
The Honorable Sheila Jackson Lee, a Representative in Congress From the State of Texas:	
Prepared Statement	14
WITNESSES	
Ms. Rebecca Kiessling, Private Citizen:	
Oral Statement	18
Prepared Statement	21
Mr. Mark Lamb, Sheriff, Pinal County, Arizona:	
Oral Statement	28
Prepared Statement	30
Dr. Robert J. Trenchel, DO, MPH, President and Chief Executive Officer, Yuma Regional Medical Center:	
Oral Statement	30
Prepared Statement	32
Mr. David J. Bier, Associate Director, Immigration Studies, CATO Institute:	
Oral Statement	34
Prepared Statement	35
FOR THE RECORD	
The Honorable Mark E. Green, a Representative in Congress From the State of Tennessee, and Chairman, Committee on Homeland Security:	
Letters	2
The Honorable Bennie G. Thompson, a Representative in Congress From the State of Mississippi, and Ranking Member, Committee on Homeland Security:	
Statement of Human Rights First	99
Statement of First Focus Campaign for Children	108
Letter Submitted by CHIRLA—Coalition for Humane Immigrant Rights	115

EVERY STATE IS A BORDER STATE: EXAMINING SECRETARY MAYORKAS' BORDER CRISIS

Tuesday, February 28, 2023

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
WASHINGTON, DC.

The committee met, pursuant to notice, at 10:02 a.m., in room 310, Cannon House Office Building, Hon. Mark E. Green [Chairman of the committee] presiding.

Present: Representatives Green, Higgins, Guest, Bishop, Garbarino, Taylor Green, Gonzales, LaLota, Ezell, D'Esposito, Lee, Strong, Brecheen, Thompson, Jackson Lee, Payne, Swalwell, Correa, Thanedar, Magaziner, Ivey, Goldman, Garcia, Ramirez, Menendez, Clarke, and Titus.

Chairman GREEN. The committee will come to order. The purpose of this hearing is to receive testimony from an array of witnesses impacted in different ways by the crisis at our Southern Border. I now recognize myself for an opening statement.

Good morning and welcome to the Committee on Homeland Security's first official hearing of the 118th Congress. I want to thank all of our witnesses for being here today for this important hearing titled, "Every State is a Border State: Examining Secretary Mayorkas' Border Crisis". The homeland, our homeland, faces an unprecedented crisis along our Southwest Border. This crisis threatens the safety of all American families, no matter where they live in the United States. Criminals, weapons, trafficked persons, and illicit narcotics are pouring across our borders in record numbers. Make no mistake, this crisis is a direct result of Secretary Mayorkas' open borders policies, policies he began implementing on Day 1.

In 2021 alone, the administration eliminated or began to shut down 89 successful border security policies, leading to the current chaos. The Mayorkas border crisis is enriching cartels and human traffickers. Violent cartel and gang activity is significantly increasing throughout the United States, and illegal drugs continue to pour over the border in massive quantities.

The picture you see behind me is of a woman who was raped and scalped by the drug cartels. Her body was dropped at an elementary school in Texas. Today, you are going to hear how the cartels move people into our country for a price. In many cases, that price is paid with forced criminal activity operating from stash houses inside the United States. When the illegal alien trafficked by the cartels refuses to comply, this happens to them.

Further, the leading cause of death for Americans aged 18 to 45 years old is now fentanyl. Our country now faces record fatalities from drug overdoses eclipsing 100,000 deaths, 71,000 from synthetic opioids alone. As a result, families and communities have been utterly devastated.

Our first witness today, Rebecca Kiessling, lost two sons, Caleb, 20 years old, and Kyler, 18 years old, to fentanyl poisoning in 2020. Sadly, there are thousands of parents just like Rebecca who are grieving the loss of their children to this deadly drug.

In my hands are letters written to this committee from grieving parents across our Nation who have lost a child to fentanyl poisoning. Some of these moms are here today. No parent should have to go through what Rebecca and these other parents went through. I ask unanimous consent to enter these letters into the record. So ordered.

[The information follows:]

LETTERS SUBMITTED BY CHAIRMAN MARK E. GREEN



Jack William McCarthy, 19, passed away on Saturday, September 25, 2021 at his home in Birmingham, Michigan. Jack had ordered 4 “prescription pills” and his Snapchat dealer gave him “something extra”. That is the one that killed him. Jack came downstairs to get coffee to revive himself, and died sitting up by the coffee maker. It was enough fentanyl to kill 4 men.

Jack grew up in Birmingham and attended Westmaple Nursery, Quarton Elementary, and Derby Middle School. He played soccer, baseball, football, and enjoyed skateboarding, listening to music, fishing, learning guitar, making videos, and hanging out with his friends. Jack graduated from Ernest W. Seaholm High School in 2020, where he was involved in wrestling and developed a passion for UFC fighting. He had just begun his sophomore year at Oakland University, earned a spot on the Dean's List, and was undecided on his major.

In the short 19 years Jack was with us, he has touched so many lives. Jack was very charismatic. His beautiful smile along with his quick wit could wipe away a bad day in an instant. Jack was extremely polite, respectful, and genuinely interested in others. He cared deeply about the people in his life, listened intently, and was very inquisitive. Jack valued all the relationships he formed throughout his 19

years. One of his favorite pastimes with “the boys” (his friends) was hitting up Detroit Wing Company for buffalo wings with bleu cheese dip.

He was also very proud of his Irish heritage and he had planned to visit Ireland in the future. Jack liked to explore new places and has traveled to Europe, Florida, Washington DC, South Carolina, Illinois, New York, Alabama, and Arizona.

As much as Jack loved going out with his friends, he very much cherished his family time. Jack often expressed his desire to have his own family one day. His version of the perfect Saturday consisted of grabbing a morning nitro cold brew from Starbucks with his sister, Samantha, sharing funny dog Tik-Toks and Instagram reels with his mom, working out, and caring for his aging labradoodle, Roxy. He was always so happy when his “Nanas” would drop in for visits and absolutely loved to top the day off by viewing UFC Fight Night with his dad. His dad James co-founded FentanylFathers for Awareness education in high schools.



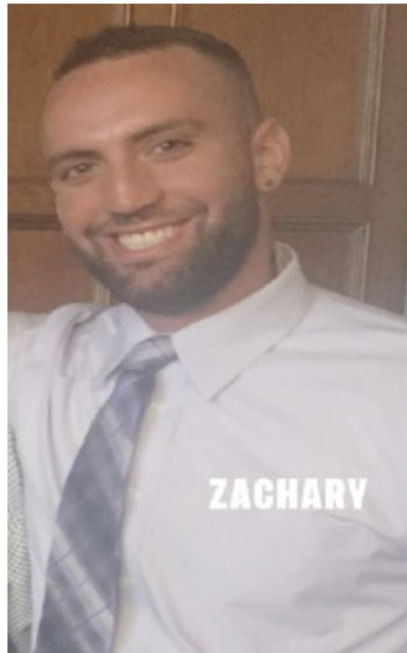
Drew Swan, 24. Opioid Epidemic Victim. Died April 3, 2013, Plantation Florida / DrewSwan.com.

Childhood.—My first-born son Drew was born in Rochester, MI on April 10, 1988. It was the happiest day of my life. I thought, “even if I die, I will live on through him.” I experienced the same thrill when his only brother Jack was born the following year. Jack’s arrival completed our little Swan family of four, and we created a serendipitous life together as we went along. We homeschooled our children in idyllic Oconomowoc, Wisconsin while I ran a small business. At age 11, Drew took a standardized test and scored “collegiate level” in 21 of 22 categories. Drew was also an exceptional athlete. As a freshman at Arrowhead High School, Drew led his football team caught interceptions, earned a State championship swim team title, and was named the MVP of the varsity tennis team. Drew achieved a Life Scout from Boy Scouts of America and balanced his extracurriculars with singing in the school choir. I shall never forget hearing his solo part during The Christmas Shoes song performance at his winter concert where we watched him proudly. Drew painted as well. Because he knew I liked Van Gogh, he replicated Starry Night to near perfection and presented it to me. What a gift! Drew was voted “Best Looking” in his high school and was runner up for Student Body President. It was in high school that Drew sustained an athletic injury and was put on pain meds. Later he was given some unprescribed Oxycontin at a party—and he became hooked on opioids.

Drew’s College Years were spent at UW-Milwaukee double-majoring in English and Business. Drew studied 1 year abroad in Australia, where he made wonderful friends from around the world and wrote music. His addiction eventually caught up with him when he arrived back in the United States as he could no longer afford it—and he called me for help. Drew interned for me at my digital sales office in Michigan—and helped me start GODclick.com, accurately predicting—in 2010—that “Programmatic was the future of digital advertising.” Later I ended up doing an intervention for Drew in Milwaukee at his college graduation, and a week later, after a strong encouragement from his brother Jack, he entered treatment at Rosecrance in Illinois. Upon successful completion, Drew moved to halfway house

in Florida and supported himself with retail and waiter jobs. I helped him get his own apartment.

Final Years.—Drew created a blog site and became a beautiful writer. He was planning entrepreneurial adventures, had started “The Progressive Group” and his future looked extremely bright. I spent a wonderful long weekend with him in February 2013, at Disney World. In March we grabbed “DrewSwan.com” to publicize his writing, and I sent him a calendar of photos we took of him at Epcot with “Women Around the World” along with his own business cards. Drew was volunteering at his local church and began helping homeless people get their clothes dry cleaned before interviews. He was proud of himself, and so was I. Unfortunately, in March he attended a rave in Miami and relapsed on a “Molly”. My last conversation with him was March 31. He spoke to his brother April 1, and his mother April 2, saying he “had to get back on track.” He died in his sleep from an unprescribed pill he got from a roommate in a government-assisted sober house on April 3. The Swan Family party was over. We were absolutely gutted with the loss of Drew. My wife and I brought awareness to the epidemic running for Congress in 2018 and getting a mention in the SOTU address that year. The \$6B budget that resulted was spent on PSAs, but the death decline was negligible. Jack became a Doctor of Emergency Medicine hoping to save other “Drews.” It has taken 10 years to come to terms with the loss, but we finally settled on a go-forward solution to cope with our loss: warning kids directly, and in person, about how fentanyl kills. Drew’s brother Jack and I started “FentanylFathers.org” with the goal of presenting Fentanyl Education Awareness to all U.S. high school assemblies through a volunteer workforce of 600,000 bereaved parents that have been created over the last 3 years. We’re both preventing overdose deaths for unaware students, and grief for unsuspecting families. This ministry aims to act as a solution-driven program for change, with a goal of having every student hear our message and graduate alive.



ZACHARY'S STORY

Zachary Quentin Sahouri Sept. 26, 1993—Dec. 23, 2021

On December 23, 2021, at 9 o'clock a.m., I received a phone call that left our family shattered. Zachary, our 28-year-old son, had died from an accidental overdose of cocaine/fentanyl. His two siblings, Sophia and Landon, and my husband, Raed, and I would have to learn a new way of living. But how?

School was very easy for Zach. His creativity was magical and he excelled in his academics. He enjoyed fishing and frogging as well as riding his dirtbike. He loved basketball and spent many hours in the driveway with family and friends. In high school, Zachary played basketball and ran track. He became an outstanding hurdler!

Music was a gift of Zach's. He played many instruments. When he put his mind to something, nothing stopped him. Whether he was at home jamming with his friends or at the corner karaoke bar, Zach played and sang his heart out, getting lost in the music, and forgetting the pressures and pain that come with life.

Zachary shared his love with others, even as he battled his own demons in private. He was always ready to be a listening ear or to offer sympathy and kind words when people needed them. Race, religion, wealth, and status were not important to Zach. He loved people for who they were, not what they had. He was true to his values, non-conforming, stubborn at times, eccentric in some ways, but always accepting of others, even if their beliefs and lifestyles differed from his own. He loved being around older people and found humor and delight in their quirks. Zach had two cousins with significant disabilities, one with Autism and the other with Down Syndrome. Zach never judged them, but treated them with kindness and a loving sense of humor. While Zach attended Michigan State University, he had a job working with kids and young men with disabilities, but it was more than a job—he hung out with them, shot hoops, went bowling, and did other things that friends often do together. I believe Zach was starting to realize he had a gift working with individuals with disabilities, as he was very proud and excited to have been hired by a company 1 week before his death. He was looking forward to starting up work in this field again.

Zachary had always been highly active and sometimes impulsive but that had been his personality since he was a toddler. His grandma used to say, "he is so precocious" as he wanted to try everything and was quite fearless. Smoking marijuana started in Zach's early teens. Although we were very concerned and would talk with him, he would deny there was a problem. His grades were top-notch, he had no attendance issues, and active in sports so it was easy to be manipulated by his words, "I don't have a problem." We wanted to believe him but knew a problem was developing. He agreed, his senior year to receive help. At the end of his first semester of senior year, he was expelled for having a small bag of weed in his car. This was pure devastation for Zach as school was important to him. He attended Michigan State University, for 3 years, his dream since he was a child, but dropped out his senior year. He did not leave Lansing but worked in the restaurant industry. We learned, a year before his death, that his drug use had progressed to cocaine. His lifestyle was changing and although he kept in contact with his family more than weekly, he rarely came home. The disease of addiction had become stronger than we could have ever imagined and ultimately led him to choices out of his control. Zachary never accepted that he had an addiction or needed help. He was far too proud and deemed it as a sign of weakness.

Zachary appreciated the small things in life, the gifts that many of us take for granted. He was captivated by the waves of the ocean, the beauty of a sunset, and the warmth of a bonfire. Zach didn't talk about God often, but God saw him for what he was, a beautiful boy, a beloved son, a loyal and steadfast friend, and a talented, compassionate, and sensitive young man who simply wanted to love and be loved.



To whom it may concern,

After a weekend away with my husband, a missed call from Cuyahoga Co ME appeared on my phone. At that second I knew my life would change forever. As it turned out, my son had overdosed and was pronounced dead at 8:06am July 25, 2022.

Here's the kicker—my son was given a lethal dose of fentanyl laced in his recreational bump of cocaine. There were 13 different toxins in his toxicity report including a dog dewormer . . . he actually was brought back to life after being administered 12 mg of narcan. Trevor was transported to the hospital and released to a 21-year-old 3 hours later. Was he just a number? Did he get narcan to take with him? Why wasn't he pink-slipped for 48 hours? Why wasn't a family member contacted? He could've survived if the right people were involved. Instead he was dropped off at his home and died alone. I found a text on his phone around the time of 11:30 pm " Al I'm di"—did he know? We have been living this hellish nightmare for 7 months—31 weeks.

Say his Name,

TREVOR J REIDERMAN FOREVER 25 11/13/1996–7/25/2022

Kimberlee Buss (heartbroken mother).



Robert Bruce Snodgrass
6/4/99-10/26/21

Robert Bruce Snodgrass, 6/4/99–10/26/21

Dear Members of the Committee on Homeland Security: On a Thursday morning in October, Sandy Snodgrass was given the news that no parent should ever have to hear. Her son, Robert Bruce Snodgrass, was found dead. He had died from a fentanyl overdose.

Bruce was Sandy's only child. When he was young they lived in Southern California, exploring beaches, mountains, and deserts so Bruce could do what he loved—be outside. When he was a teenager, they moved back to Alaska, where Sandy grew up. "Alaska was Bruce's true home," she said. But while a student at Service High School, Bruce started using drugs in earnest. After many difficult years, Bruce turned 18. He was repeatedly arrested and then broke his terms of release, adding charges and time to his cases. Eventually, when he was using, he ended up camping in the forests of Far North Bicentennial Park, homeless but with a home he could have gone to, if he'd been clean and sober.

In summer 2021 Bruce said he wanted to get clean. Sandy immediately secured an immediate bed in a medical detox facility and then transferred to the inpatient Chanlyut program, run by the Cook Inlet Tribal Council. Bruce graduated, moved home with his mom and embarked on outpatient treatment. The substance abuse treatment program gave him a mountain bike, and he found joy riding around Anchorage trails. His daily schedule revolved around intensive outpatient meetings and counseling. Then came the day in October when Bruce left, saying he was going for a bike ride. "Be careful out there," she told him. According to police, Bruce was found dead at 11:38 a.m. Oct. 28, in the Carrs parking lot on DeBarr Road. A dog walker noticed his body and called the police. The police officer who met Sandy at the location where the body was found had come from notifying a different family about an overdose death.

Sandy's son couldn't be saved, but she is doing everything in her power to ensure this doesn't happen to another family. She believes that there needs to be education about the lethality of all street drugs because of the potential that they could be contaminated by fentanyl. According to the CDC, the No. 1 cause of death in Americans who are 18–45 years old is fentanyl overdose.

She wants to get this message out to young people so they can avoid the same fate that her son endured.



Tia Mastromatteo, was born on December 17, 1965 and entered into Eternal Life on May 7, 2022.

She was found dead in her home by a friend. The autopsy found that there was a significant amount of Fentanyl in her system.

The Massachusetts Examiner said she died of acute Fentanyl toxicity and that her death was accidental.

JOE MASTROMATTEO, HER DAD.
Fentanyl Fathers.

Born in Pontiac, Michigan on December 17, 1965, she attended St. Joseph School through 8th grade and attended Lake Orion and Zion Christian High schools. Tia earned her bachelors degree at Oral Roberts University and a master's degree in special education from Lesley University. Tia worked as a special education teacher for both Marshfield and Weymouth Public Schools. She loved her profession, her students, and the relationships she built throughout the years.

The most important part of Tia's life was her family. She loved her children more than anything and there wasn't anything she wouldn't do for the people she cared for. Tia was devoted to her son, Tommy, and always made sure he was cared for and loved. Tia was also a selfless, generous, and loving person. Her life lessons and example are part of her legacy that continue through her family. She will be missed by all the lives she touched.

Chairman GREEN. Last week, along with Vice Chairman Guest and Subcommittee Chairman Higgins, I led a group of Members to the border where we saw this crisis first-hand. While touring the El Paso port of entry, we witnessed a car attempting to smuggle illicit narcotics into the homeland. If not for our brave CBP officers, these drugs would have headed straight to American homes.

However, Secretary Mayorkas asserts that he has maintained operational control of the border. He has said as much in this committee under oath. He and the administration, and I am guessing you will hear this disinformation from some of our colleagues across the aisle today, that fentanyl seizures are up, which they are, and that fentanyl is thus not getting into the country. The implication is somehow that all the fentanyl comes through ports of entry. However, I have here a photo of 232 pounds of fentanyl seized inland, missing the ports of entry, bypassing the ports of entry. That is enough to kill 50 Americans. I would like to also enter this into the record. Unanimous consent. So ordered.*

*Image was not available at the time of publication.

Well, here is just one video from a rancher on the border. Let us play the video, please. What you see here, camera footage of waves of drug cartel runners wearing camouflage, carpet shoes, carrying backpacks of fentanyl and other drugs. They walk into the country, go to drop sites, load it into vehicles, and the drugs are shipped all over the United States. The cartels are very strategic. They neutralize CBP by having mass waves of coyote-paid people overwhelm the crossing sites, causing CBP to thin the rural areas so that they can process the mass waves of people at the crossing sites. Then the cartels pour across the border.

If fentanyl is being stopped at the crossing sites, why has the street price of a hit of fentanyl gone from \$95 in January 2021 to \$28 just last month? It is supply and demand. Simple supply and demand. This data comes from sheriffs in my home State of Tennessee, hundreds of miles from the border.

Mayorkas was lying when he said he had operational control of the border, and the fentanyl is killing Americans. Let me be clear. Mayorkas lied and Americans are dying.

Here are the images, just a few images, and I say just a few because there are hundreds just like this, fentanyl seizures in my home State of Tennessee: Weapons, cash, drugs.

I would like to take a moment, too, and recognize the sacrifices of the hard work and courageous, overworked, understaffed front-line agents and officers who stand guard at our Nation's border every day, often in dangerous and unforgiving environments, while being constantly villainized by this administration and the hard left.

I want to thank the Democrats, who at least in the private halls of this building, will admit this is a crisis. I want to let the American people know that there are some on the other side of the aisle in quiet whispers who will say it is a tragedy. I just wish they would say it out loud because this is killing Americans. We must reestablish control of our Southern Border and take it back from the murderous drug cartels.

I would also like to thank our State and local leaders who have an essential role in defending our Nation's homeland, such as our second witness, Sheriff Mark Lamb of Pinal County, Arizona. Pinal County is not considered a border county. The county is 55 miles from the U.S.-Mexico border, yet the sheriff has had to devote most of his resources not to protecting his community, but to recovering and apprehending illegal border crossers who are being trafficked. This is a direct result of Secretary Mayorkas, who since Day 1 has opened the border to bad actors, including transnational criminal organizations.

Finally, I would like to welcome the third witness I invited, Dr. Robert Trenchel. The president and CEO of Yuma Regional Medical Center, Dr. Trenchel manages the only acute care hospital in the area. As a former health care CEO, I know how tough that is in normal times. But in a 12-month period, from December 2021 through November 2022, Dr. Trenchel estimates that his team has delivered over \$26 million in uncompensated care to migrants. That is an astronomical figure. It is happening all across the country. Clearly, it is worse in his border town. But with 4.7 million mi-

grants who need health care, everyone pays higher insurance premiums, as this care has ultimately got to be paid for.

Under President Biden and Secretary Mayorkas, every State is a border State. In my home State of Tennessee, there were 27,734 fentanyl deaths in 2021. In North Carolina, 4,041, 77 percent of which were fentanyl. In New York State, there were 4,946 opioid deaths, again, much of which is attributed to fentanyl. All these States are not on the Southwest Border, but they are severely impacted by the Mayorkas border crisis.

All of these States have at least one representative who sits on this committee. This hearing should be a wake-up call for committee Members to end the madness and work together to secure our Southern Border. Our colleagues across the aisle must acknowledge the humanitarian tragedy at our borders and the increasing threat that the Mayorkas border crisis places on every Congressional district in this Nation. We are the Committee on Homeland Security. We must secure our homeland now.

[The statement of Chairman Green follows:]

STATEMENT OF CHAIRMAN MARK E. GREEN

Good morning, and welcome to the Committee on Homeland Security's first official hearing of the 118th Congress. I want to thank all of our witnesses for being here today for this important hearing, titled "Every State is a Border State: Examining Secretary Mayorkas' Border Crisis."

The homeland—OUR homeland—faces an unprecedented crisis along our Southwest Border. This crisis threatens the safety of all American families, no matter where they live in the United States. Criminals, weapons, trafficked persons, and illicit narcotics are pouring across our borders in record numbers. Make no mistake: this crisis is a direct result of Secretary Mayorkas' Open Borders policies, policies they began implementing on DAY ONE.

In 2021 alone, the administration eliminated or began to shut down 89 successful border security policies, leading to the current chaos. The Mayorkas border crisis is enriching cartels and human traffickers. Violent cartel and gang activity is significantly increasing throughout the United States, and illegal drugs continue to pour over the border in massive quantities.

The picture you see behind me is of a woman raped, and scalped by the drug cartels. Her body was dropped at an elementary school in Texas to make a point.

Today you're going to hear how the cartels move people into our country for a price. In many cases, that price is paid with forced criminal activity operating from stash houses inside the United States. When the illegal aliens trafficked by the cartels refuse to comply, this happens to them.

Further, the leading cause of death for Americans aged 18 to 45 years old is now fentanyl. Our country now faces record fatalities from drug overdoses, eclipsing 100,000 deaths, 71,000 from synthetic opioids alone.

As a result, families and communities have been utterly devastated. Our first witness, Rebecca Kiessling, lost two sons, Caleb (20 years old) and Kyler (18 years old) to fentanyl poisoning in 2020. Sadly, there are thousands of parents, such as Rebecca, who are grieving the loss of their children to this deadly drug.

In my hand are letters written to this committee from grieving parents across our Nation who have lost a child to fentanyl poisoning—no parent should have to go through what Rebecca and these other parents went through. I ask unanimous consent to enter into the record these letters . . . so ordered.

Last week, I, along with Vice Chairman Guest and Subcommittee Chairman Higgins, led a group of Members to the border, where we saw the crisis first-hand. While touring the El Paso port of entry, we witnessed a car attempting to smuggle illicit narcotics into the homeland. If not for our brave CBP officers, these drugs would have headed straight for American homes.

However, Secretary Mayorkas asserts that he has maintained operational control of the border, he has said as much to the committee under oath. He and the administration, and I am guessing you will hear this disinformation from some of our colleagues across the aisle today, that the fentanyl seizures are up, which they are, and that fentanyl is thus not getting into the country. The implication is somehow that all the fentanyl comes through ports of entry. Well, here is just one video from

a rancher on the border. This is camera footage of waves of drug cartel runners wearing camouflage, carpet shoes, and carrying backpacks of fentanyl and other drugs. They walk into the country, go to drop sites, load into vehicles and the drugs are shipped all over the country. The cartels are strategic. They neutralize CBP by having mass waves of coyote-paid people overwhelm the crossing sites, causing CBP to thin the rural areas to process the people at the crossing sites. Then, they pour across the border. If fentanyl is being stopped at the crossing sites, why has the street price of a hit of fentanyl gone from \$95 on the street in TN in Jan. '21 to \$28? It's supply and demand. This data comes from sheriffs from my home State of Tennessee. Mayorkas was lying when he said he had operational control of the border. And the fentanyl is killing Americans. Let me be clear: Mayorkas lied and Americans are dying.

Here are images from law enforcement in Tennessee. Seizure after seizure. Mr. Secretary—I thought you had operational control of the border?

I would like to take a moment to recognize the sacrifices and hard work of our courageous, overworked, and understaffed front-line agents and officers who stand guard at our Nation's borders every day, often in dangerous and unforgiving environments while being constantly villainized by this administration and the hard left.

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I would also like to thank our State and local leaders who have an essential role in defending our Nation's homeland—such as our second witness, Sheriff Mark Lamb of Pinal County, Arizona. Pinal County is not considered a “border county” in the traditional sense—the county sits 55 miles from the U.S.-Mexico border. Yet, the sheriff has had to devote most of his resources not to protecting his community, but to recovering and apprehending illegal border crossers who are being trafficked. This is a direct result of Secretary Mayorkas, who since Day 1 has opened the border to bad actors, including transnational criminal organizations.

Finally, I would like to welcome the third witness I have invited, Dr. Robert Trenchel, the president and CEO of the Yuma Regional Medical Center. Dr. Trenchel manages the only acute care hospital in the area. As a former health care CEO, I know how tough that is in normal times. But, in a 12-month period, from December 2021 through November 2022, Dr. Trenchel estimates that his team has delivered over \$26 million in uncompensated care to migrants—an astronomical figure! This is happening all across our country, clearly it's worse in his border town. But with 4.7 million migrants who need health care, everyone pays with higher insurance premiums as this care has to ultimately be paid for.

Under President Biden and Secretary Mayorkas, every State is a border State. In my home State of Tennessee, there were 2,734 fentanyl deaths in 2021. In North Carolina, there were 4,041 overdose deaths, 77 percent of which were related to fentanyl. And in New York State, there were 4,946 opioid deaths—again, much of which is attributed to fentanyl. All of these States are not on the Southwest Border—but they are severely impacted by the Biden border crisis. And all these States have at least one representative who sits on this committee.

This hearing should be a wake-up call for committee Members to end the madness and work together to secure our country. Our colleagues across the aisle must acknowledge the humanitarian tragedy at our borders and the increasing threat that the Mayorkas border crisis places on every Congressional district in this Nation. We are the Committee on Homeland Security. We must secure the homeland now. With that, I yield back and recognize Ranking Member Thompson for his opening remarks.

Chairman GREEN. With that, I yield back and recognize the Ranking Member for his opening remarks.

Mr. THOMPSON. Thank you, Mr. Chairman. Mr. Chairman, I am pleased the committee is holding its first hearing of the 118th Congress. However, I would note that while Republicans are using this hearing to criticize Secretary Mayorkas for the challenges at our border, challenges, I might add, that go back decades and will never be addressed without fixing our broken border system, the majority has offered no solutions of its own.

Republican leadership said it would bring a border bill to the House floor during the first days of the new Congress. But their bill, which would have effectively ended asylum in this country, was so extreme it didn't have the votes to pass and was pulled from the schedule. The gentleman from Texas, Mr. Gonzalez, a Republican member of this panel, who represents a border district, called the bill anti-American and not Christian, and I agree. America has long welcomed those coming to our shores seeking protection from persecution, and we are a better Nation for it. Turning our backs on asylees would be turning our backs on who we are as a country.

It would also be bad for border security since having a system for people to apply for asylum helps border management and allows law enforcement to focus on real border security threats. After failing to deliver the meaningful and ready-to-go border bill Republican leadership promised and still have no plan to address the situation at the border, several communities call hearings like this one. Committees call hearings like this one today.

Unfortunately, I am concerned that this hearing won't help us move toward a solution for better border management, but rather may be used by some as a platform for divisive rhetoric and anti-immigrant fearmongering. I hope that is not the case. We are better than that, and at least we should be.

Instead, we need to look at the facts and work together toward solutions. The fact is Democrats are focused on investing in border staffing, infrastructure, and technology, especially at ports of entry, where the vast majority of fentanyl is trafficked. Over 90 percent of fentanyl seizures occur at our ports of entry or border checkpoints, and those responsible are overwhelmingly American citizens, not immigrants.

The fact is, despite tough talk on border security, Republicans voted against necessary funding, opposing \$7.2 billion in Border Patrol operations, including for hiring \$65 million for 300 more Border Patrol agents and \$60 million for additional personnel at ports of entry. If you really want to help with border security, help us increase the number of people working at the border as part of the ultimate solution.

Certain Members on the other side of the aisle have even suggested defunding the Department of Homeland Security, the very department that is working to secure our borders. That kind of talk may score political points in certain circles, but it flies in the face of good old-fashioned common sense.

The fact is the Biden administration is working to deal with the fallout of the prior administration's failed border policies while treating people humanely and with dignity. The administration is implementing a six-pillar plan for immigration and border security, which includes surging resources, increasing efficiency, imposing consequences for violators, bolstering the capacity of NGO's and State and local partners while going after cartels and smugglers, and working with countries in the region.

The administration has also created a new legal pathway for Cubans, Venezuelans, Haitians, and Nicaraguans, who make up almost a third of those currently being encountered at the border to encounter the United States on a 2-year parole after an application

is made and approved providing this open pathway is already showing results at the border. Border Patrol encounters with nationals of those four countries declined by 95 percent in January.

The fact is, the Biden administration is working to reunite hundreds of families who remain separated years after the Trump administration took children from their parents at the border, a policy that will be a permanent stain on our country's conscience. Certainly more remains to be done. I believe the solution to our long-standing border challenges is for Congress to finally fix our broken immigration system and explain legal pathway—expand legal pathways of migration for vetted individuals who want to contribute to our society. Doing so will allow border personnel to focus on real threats to the Homeland Security, put human smugglers out of business, and help ensure migrants are treated with dignity, goals everyone should agree on.

But the question remains do we want to finally overcome our border challenges or do we want to use this issue for partisan attacks? I guess we will see in today's hearing.

I thank the Chairman and look forward to our discussion today. I yield back.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

FEBRUARY 28, 2023

I am pleased the committee is holding its first hearing of the 118th Congress. However, I would note that while Republicans are using this hearing to criticize Secretary Mayorkas for the challenges at our border—challenges, I might add, that go back decades and will never be addressed without fixing our broken immigration system—the Majority has offered no solutions of its own.

Republican Leadership said it would bring a border bill to the House floor during the first days of the new Congress, but their bill, which would have effectively ended asylum in this country, was so extreme it didn't have the votes to pass and was pulled from the schedule. The gentleman from Texas, Mr. Gonzalez, a Republican Member of this panel who represents a border district, called the bill “anti-American” and “not Christian”—and I agree.

America has long welcomed those coming to our shores seeking protection from persecution, and we are a better Nation for it. Turning our backs on asylees would be turning our backs on who we are as a country. It would also be bad for border security, since having a system for people to apply for asylum helps border management and allows law enforcement to focus on real border security threats.

After failing to deliver the “meaningful” and “ready-to-go” border bill Republican Leadership promised, and still having no plan to address the situation at the border, several committees called hearings like this one today.

Unfortunately, I am concerned that this hearing won't help us move toward a solution for better border management but rather may be used by some as a platform for divisive rhetoric and anti-immigrant fearmongering. I hope that's not the case. We are better than that, or at least we should be.

Instead, we need to look at the facts, and work together toward solutions.

The fact is Democrats are focused on investing in border staffing, infrastructure, and technology, especially at ports of entry, where the vast majority of fentanyl is trafficked. Over 90 percent of fentanyl seizures occur at ports of entry or border checkpoints, and those responsible are overwhelmingly American citizens, not migrants.

The fact is, despite tough talk on border security, Republicans voted against necessary funding, opposing \$7.2 billion for Border Patrol operations, including for hiring; \$65 million for 300 more Border Patrol agents; and \$60 million for additional personnel at ports of entry last year. Certain Members on the other side of the aisle have even suggested defunding the Department of Homeland Security—the very Department that is working to secure our borders. That kind of talk may score political points in certain circles, but it flies in the face of good, old-fashioned common sense.

The fact is the Biden administration is working to deal with the fallout of the prior administration's failed border policies while treating people humanely and with dignity. The administration is implementing a six-pillar plan for immigration and border security, which includes surging resources, increasing efficiency, imposing consequences for violators, bolstering the capacity of NGO and State and local partners, going after cartels and smugglers, and working with countries in the region.

The administration has also created a new legal pathway for Cubans, Venezuelans, Haitians, and Nicaraguans—who make up almost a third of those currently being encountered at the border—to enter the United States on a 2-year parole after an application is made and approved. Providing this orderly pathway is already showing results at the border—Border Patrol encounters with nationals of those four countries declined by 95 percent in January.

The fact is the Biden administration is working to reunite hundreds of families who remain separated years after the Trump administration took children from their parents at the border—a policy that will be a permanent stain on our country's conscience.

Certainly, more remains to be done. I believe the solution to our long-standing border challenges is for Congress to finally fix our broken immigration system and expand legal pathways of migration for vetted individuals who want to contribute to our society. Doing so will allow border personnel to focus on real threats to homeland security, put human smugglers out of business, and help ensure migrants are treated with dignity—goals everyone should be able to agree on.

But a question remains: Do we want to finally overcome our border challenges or do people want to use the issue for partisan attacks? I guess we'll see.

Chairman GREEN. Thank you, Ranking Member. Other Members of the committee are reminded that opening statements may be submitted for the record.

[The statement of Hon. Jackson Lee follows:]

STATEMENT OF HONORABLE SHEILA JACKSON LEE

FEBRUARY 28, 2023

Chairman Green and Ranking Member Thompson, thank you for convening this important hearing providing the opportunity to discuss and highlight the facts as concerns our Nation's border security and the urgent need for comprehensive and humane immigration reform.

Comprehensive immigration reform that expands the pathways for migration and treats migrants with dignity is one of the most important issues that facing our Nation.

Democrats are seeking out root causes, focusing on the facts, and advocating for solutions that treat migrants with the respect, dignity, and compassion that recognizes their innate humanity and value.

Republicans have chosen to turn their backs on immigrants, demonizing them as criminals and drug smugglers.

Democrats are following the Biden administration's lead, implementing practical reforms that add efficiency and dignity to the intake process.

Republicans are trying to score political points with extreme rhetoric to keep their false narrative of a border crisis alive.

DEMOCRATS SUPPORT BORDER SECURITY INVESTMENTS, WHILE REPUBLICANS VOTED AGAINST THEM

Democrats are looking for meaningful solutions—advocating investments to bolster staffing, infrastructure, and technology throughout ports of entry as well as creating and expanding legal pathways to live and work in the United States.

Democrats passed the fiscal year 2023 Omnibus Appropriations bill, which included funding for 300 additional U.S. Border Patrol agents, 125 Customs and Border Patrol officers and related personnel, and more than \$400 million for non-intrusive inspection (NII) systems to identify attempts to smuggle drugs across legal ports of entry.

These investments that Democrats overwhelmingly supported can restore Border Patrol's mission to one of national security, rather than managing peaceful migration.

Only two House Republicans that are currently serving voted for the fiscal year 2023 Omnibus bill that made these critical investments.

Republicans are advocating for senseless investments in a border wall without evidence that a border wall will act as a deterrent.

DEMOCRATS SUPPORT COMPREHENSIVE IMMIGRATION REFORM, REPUBLICANS HAVE NO PLAN FOR COMPREHENSIVE REFORM

However, security along the border and within the Nation as a whole cannot be settled solely by building barriers; a more strategic and thoughtful plan of action is necessary.

Without enactment of comprehensive immigration reform supported by proper investments along the border, our Nation's security will remain vulnerable.

And while America's borders are dynamic, with constantly-evolving security challenges, any and all measures undertaken to implement and enforce border security must be done in a manner that allows actors to use pragmatism and common sense.

Instead of focusing on where the real problems are rooted (such as increasing funding, resources, and coordination amongst various immigration agencies and stakeholders at the local, State, and Federal level), House Republicans continue their refusal to act responsibly to minimize the continuing harm caused by our outdated and inhumane immigration system.

The unworkable proposals put forth by Republicans like Rep. Chip Roy, would have shut down asylum to everyone, including those fleeing communist totalitarian regimes and unaccompanied minors, a measure seen as so draconian it was tabled after it created backlash among less extreme Members of the Republican conference.

THE UNITED STATES IS A NATION OF IMMIGRANTS THAT BELIEVES IN THE FUNDAMENTAL RIGHTS

Mr. Chairman, as the United States has always been a nation of immigrants ever since its inception centuries ago, it is vital for us to remember our core values when addressing immigration issues today.

During the first 100 years of our Nation's existence, immigrants were of the utmost importance to our young Nation and were welcomed.

It was during this time that Emma Lazarus wrote the poem that now is forever enshrined on the Statue of Liberty:

"Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore, send these, the homeless, tempest-tossed, to me: I lift my lamp beside the golden door."

Sadly, today the Republican party does not hold the same reverence and desires for the benefits of immigration as our forebearers.

Instead, Republicans have created false narrative that centers upon a dichotomy between safety and security on the one side and humanitarianism and compassion on the other.

This is the United States of America.

Democrats recognize that we can maintain the highest level of security in the world while also treating immigrants with the utmost compassion, respect, and humanity.

MOST FENTANYL IS SMUGGLED THROUGH PORTS OF ENTRY BY AMERICAN CITIZENS

Conversely, Republicans have chosen to reduce the complexity of legitimate asylum claims by demonizing all immigrants as criminals, especially as regards the trafficking of fentanyl.

Republicans conflate the issues of migrants seeking asylum through our legitimate legal processes with the very real scourge of fentanyl trafficking and ignoring their legitimate reasons for migration.

To be clear, the fentanyl crisis is very serious.

According to the CDC, more than 70,000 people died of overdose from synthetic opioids alone in 2021—a number representing more lives lost than the combined equivalent of U.S. military personnel killed during the wars in Vietnam, Iraq, and Afghanistan.

However, the evidence does not support the Republican theory that immigrants are responsible for trafficking fentanyl into the United States.

According to the DEA, most of the fentanyl is smuggled over land across the U.S.-Mexico border into the United States along the Southern Border, by American citizens who are employed to smuggle the drugs over.

During a briefing with reporters, Homeland Security Secretary Alejandro Mayorkas said it was "unequivocally false that fentanyl is being brought to the United States by non-citizens encountered in between the ports of entry who are making claims of credible fear and seeking asylum."

Customs and Border Protection (CBP), the agency responsible for interdicting illicit drugs along the U.S. borders, has reported that the vast majority of its fentanyl seizures along the Southern Border have occurred at ports of entry, where officials screen returning American citizens, foreign travelers, and commercial trucks.

The Republican narrative that immigrants are bringing fentanyl into the United States while seeking asylum is flat wrong.

WHO IS IMMIGRATING AND WHY?

While Republican narratives seek to characterize immigrants as criminals, in reality they are mainly people seeking a better life as a result of political unrest and poverty in their countries of origin.

Those who are coming to the border include Ukrainians fleeing the unprovoked war with Russia; Venezuelans fleeing a dictatorial regime where hunger, poverty, violence, and political unrest have surged; immigrants from Cuba, Haiti, and Nicaragua who face similar poverty, violence, and unrest; and those Afghan soldiers who were our allies and aided American soldiers during the War in Afghanistan but who were unable to be evacuated when Afghanistan fell to the Taliban.

I intervened on behalf of one Afghan soldier who was detained while seeking asylum, Mr. Abdul Wasi Safi.

Mr. Safi served bravely and courageously alongside American soldiers in the War in Afghanistan.

He fought for American democratic values, the values of freedom, peace, democracy, civil rights, and civil liberties for all.

When the Taliban regained control of Afghanistan more quickly than anyone expected, he fled his country through three continents facing dangerous conditions to seek asylum at the Southern Border of the United States and was subsequently taken into custody by Customs and Border Patrol.

Working with all the Federal agencies involved and a top-notch legal team for Mr. Abdul Wasi Safi, I was able to ensure that all government orders against Mr. Safi were lifted and he was freed.

The United States of America has a responsibility to keep our promise to those like Mr. Safi, who bravely helped American soldiers in their time of need, and help him in his time of need as he seeks asylum in the United States.

Instead of recognizing his patriotism, Republicans would prefer to frame Mr. Safi and all immigrants seeking asylum as criminals.

BIDEN ADMINISTRATION SOLUTIONS: PAROLE PROGRAM AND HUMANITARIAN EXCEPTION TO TITLE 42

Congressional Democrats understand the complex reasons that immigrants seek to come to the United States and are prepared to work with Republicans to create a plan that both ensures the security of our borders and expands legal pathways for immigrants that come to our borders in legitimate need.

The Biden administration spearheaded the creation of a new legal pathway for up to 30,000 Cubans, Haitians, Nicaraguans, and Venezuelans per month to receive a 2-year parole into the United States and are allowed to apply for work authorization.

Immigrants from Cuba, Nicaragua, and Venezuela are fleeing known authoritarian regimes that refuse to engage with the United States.

In addition, people from these countries who cross illegally between ports of entry are expelled to Mexico and are ineligible for the parole program encouraging participation in the program.

Further, the Biden administration has put in place Humanitarian Exceptions to Title 42 that allows migrants to use a smartphone application, known as CBP One, to apply for a humanitarian exception to Title 42.

Under Title 42, migrants who are apprehended at the Southern Border can be expelled without any legal process.

Migrants who use the app can claim a humanitarian exception and must arrive at a specific port of entry for an appointment to interview with Customs and Border Patrol regarding their claim.

Over 20,000 individuals have scheduled appointments via the app so far.

These common-sense reforms address the root causes of the increase in migrants from certain countries at our borders and help to add order, efficiency, and dignity to the process of seeking asylum.

House Democrats are prepared to work with House Republicans to craft legislation to put in place innovative solutions that respond to the modern-day legitimate root causes of the surge of migrants seeking to enter the United States.

Our current immigration law, the Immigration and Nationality Act of 1990, was established over 30 years ago and is not equipped to deal with the realities before us today.

As a Nation, it is important that we strive to come together and bridge the political divide in order to pursue meaningful immigration reform.

Working together, with respect for the different beliefs and values of both House Democrats and Republicans, we can uphold the ideals that define our country.

IMMIGRANTS CONTRIBUTE TO OUR NATION AND THE STATE OF TEXAS

Mr. Chairman, few ideas are more central to who we are as Americans than the notion that people should be judged based on their own merits as individuals and not judged or labeled as criminals and rapists based on their race or nationality.

Immigrants make invaluable contributions to American innovation, the American economy, and the American Dream.

Immigrants bring new ideas and fresh perspectives to our companies and our communities.

Immigrants are workers and taxpayers who complement the domestic workforce and make contributions large and small to our everyday lives, and they are also our neighbors.

In Texas, immigrants are part of the social fabric.

Texas immigrants own 43,500 homes in Texas and pay \$340,500,000 in annual mortgage payments and their households contribute \$2,234,800,000 in Federal taxes and \$1,265,200,000 in State and local taxes each year.

Annually, these households generate \$10,519,000,000 in spending power in Texas and help power the national economy.

Rather than recognize the value immigrants provide, and working with Democrats to expand legal pathways, Republicans have continued to support the MAGA Republicans radical inhumane, and racist immigration policies that only seem to weaken the U.S. economy and undermine our national security and moral standing in the world.

The Governor of Texas insists on following the MAGA Republican line and playing political games by busing migrants to the Vice President's home rather than recognizing the humanity that all people, especially those in crisis, deserve.

This politically charged response to the humanitarian crises spurring immigrants to venture to our border illustrates a refusal on the part of some to tackle the issues in a meaningful way and is not indicative of the compassionate system that House Democrats are striving to create.

IMMIGRANTS MAKE AMERICA SAFER

Immigrants make invaluable contributions to this country.

Immigrants help build strong neighborhoods, support local businesses, and contribute taxes to help power the Nation.

Immigrants enrich American communities and contribute to their safety and security in numerous ways.

Immigrants directly lower the crime rate by committing fewer crimes.

According to data from the Census Bureau's American Community Survey, immigrants are half as likely to end up in the criminal justice system and behind bars.

In general, the pattern of native-born Americans having the highest criminal conviction rates followed by illegal immigrants and then with legal immigrants having the lowest holds true across all classes of crimes including violent crimes, property crimes, homicide, and sex crimes.

In addition, immigrants also lower crime by economically revitalizing neighborhoods.

According to data from the Census Bureau's Current Population Survey, immigrants increase State and local tax revenues by over \$250 billion per year—52 percent higher than the benefits that they receive and a net fiscal contribution of tens of billions annually.

DEMOCRATS ARE FOCUSED ON SOLUTIONS

Taking into account the significant contribution immigrants make to our communities, and to State and local tax revenues, we are failing immigrants by not to examining our approach to immigration in the United States.

Democrats are prepared to address the root causes of migration, improve border security, and create additional legal pathways for people to enter the United States.

Democrats are focused on coordination between Federal, State, and local governments working together to put forth and implement viable solutions and processes to create a common-sense immigration plan that meets the needs of our time.

As a nation of immigrants, the United States has set the example for the world as to what can be achieved when people of diverse backgrounds, cultures, and experiences come together.

We can and should seize this historic opportunity to pass legislation to ensure that we have in place adequate systems and resources to secure our borders while at the same time preserving America's character as the most open and welcoming country in the history of the world and to reap the hundreds of billions of dollars in economic productivity that will result from comprehensive immigration reform.

Fundamentally, we must live up to basic principles of humanity by addressing comprehensive immigration reform.

Thank you, Mr. Chairman, I yield back my time.

Chairman GREEN. I am pleased to have a distinguished panel of witnesses before us today on this very important topic. I ask that our witnesses please rise their right hand.

[Witnesses sworn.]

Chairman GREEN. Thank you. You may be seated. Let the record reflect that the witnesses have answered in the affirmative. Thank you.

I would now like to formally introduce our witnesses to everyone today. Ms. Rebecca Kiessling is a family law attorney from Michigan, who tragically lost her two sons, Kyler and Caleb, to fentanyl poisoning. We extend our condolences and thank her for being here. The Honorable Mark Lamb is sheriff of Pinal County, Arizona. Sheriff Lamb oversees a county the size of Connecticut, and has worked diligently to keep its population safe from the many effects of the border crisis. Mr. Robert Trenchel is president and CEO of the Yuma Regional Medical Center in Yuma, Arizona. Dr. Trenchel brings nearly 20 years of health care experience and medical management experience, and currently oversees the hospital overflow created by the flow of illegal migration. Dr. David Bier, am I pronouncing your name correctly? Beer, like the beverage. Cool. Mr. Bier is the associate director of Immigration Studies at Cato Institute focusing on border security and immigration. I thank all the witnesses for being here today.

I now recognize Ms. Kiessling for 5 minutes to summarize her opening statement.

STATEMENT OF REBECCA KIESSLING, PRIVATE CITIZEN

Ms. KIESSLING. Chairman Green, Ranking Member—pardon me? Chairman Green, Ranking Member Thompson, and distinguished Members of the committee, I'm Rebecca Kiessling. I'm a mother. I'm the mother to Caleb and Kyler as well as three teenage daughters.

Our family's been through a lot. I lost my two sons, Caleb was aged 20 and Kyler was age 18, on July 29, 2020. It was absolutely a perfect storm. There was also a 17-year-old girl, Sophia Harris, who died along with them. The drug dealer, Lorenzo Bravo, was spared by Narcan. He ended up getting 8 to 15 years for killing 3 people because to the law enforcement, this was a breakthrough case.

My former law partner, her husband is a sheriff's deputy. He's a detective in the next town over. He tells me he's got a stack, every day there's a stack of dead people, and there's no leads. But in our case, there was a lead. The drug dealer was there, and he was another addict. So because he survived, they had leads to who he got it from and they actually could try to start tracing it back.

The law enforcement made it clear to me that this fentanyl came from Mexico. It came from our Southern Border.

I didn't know what fentanyl was. I didn't know what Narcan was. I had heard of the opioid epidemic. I thought, you know, people are getting prescription drugs and getting addicted and then getting it on the streets and that it affects their ability to work. I didn't know that people were dying. I didn't know that my boys were taking anything that could kill them. They didn't think that they were either. They thought that they were safe with pills. I'm going to read some statements from my sons that they wrote shortly before their deaths, and you'll see that that's exactly the case. But the Government knew, the Government's known for years and years.

The year my son Caleb was born, 2020, there were roughly 20,000 drug-related deaths in the United States. The year they died—I'm sorry, it was 2000 was the year he was born. The year that they died, 2020, there were over 100,000; for 2021, almost 110,000. The CDC I saw yesterday says that fentanyl deaths rose 22 percent from 2020 to 2021.

I mean, it's unbelievable. You would think that one death from fentanyl coming across our Southern Border would be enough to sound the alarm. My kid's story was high-profile because 3 young people died. There was another child from our home town who died the same day. It wasn't in the news, you won't hear about it because it was just 1 death, so it wasn't like extraordinary.

I found out from the funeral home that they have tons of these cases regularly. I'm from Rochester Hills, Michigan. We were, you know, in *Money* magazine ranked in the top 10 cities to live in America a few years ago. Our school is top 5 in Michigan.

But this all started at the schools. The law enforcement are doing all they can, but they usually don't have leads. You have to stop it from its source.

Now, if we had Chinese troops lining up along our Southern Border with weapons aimed at our people, with weapons of mass destruction aimed at our cities, you damn well know you would do something about it. We had a weather balloon from China going across our country. Nobody died and everybody's freaking out about it. But 100,000 die every year and nothing's being done. Not enough is being done. Numbers are going up, not down.

You talk about children being taken away from their parents. My children were taken away from me. A hundred thousand Americans every year are hearing their children—200,000 because it's both parents, right—are having their children taken away from them. This should not be politicized. It's not about race. Fentanyl doesn't care about race.

You say—you talk about welcoming those girls on our border, seeking protection. You're welcoming drug dealers across our border. You're giving them protection. You're not protecting our children.

I'm in support groups on Facebook where there's thousands of parents who have lost their children. Every day faces are added. It's dehumanizing. It's demoralizing. There's parents who are—they paint the chairs purple and they kind of make shrines for their

children. I see those purple chairs, because purple is the, you know, color for a drug death.

I don't use the term drug overdose because this was not an overdose. This was murder. My children got fake Percocets that were fentanyl. There was no Percocet in it at all. It's a homicide, not overdose.

But they have these purple chairs. I saw that and I thought I don't ever want to have purple chairs. I don't need a reminder. I don't want to remember my sons for how they died. I want to remember them for how they lived. But I'm here testifying today because there are other people who need to remember. I don't need a purple chair in my house. Congress needs a purple chair. The White House needs a purple chair to never forget about all of those who are being slaughtered. This is a war. Act like it. Do something.

My son Kyler, shortly before he died, this is what he wrote. I want to share their writing so they can have a chance to testify. He wrote his goals.

"No. 1, stay away from drugs and alcohol. It's not worth it. Two, surround myself with good influence people. Three, stay away from nicotine. Four, treat people with more respect. Don't burn bridges. Five, find another method to cope that works for me. Six, get closer with Jaden. Seven, start doing something physical to get in shape. Eight, start working a lot to stay focused. Nine, finish school." And he did. The day before he died, he graduated. "Ten, have a better relationship with my parents. Eleven, do anything and everything to better myself and my health. Twelve, listen when told to do something. Thirteen, don't F up proba or I'll have a felony on my record. Fourteen, report to any and every drug test. Fifteen, don't follow in my birth mom's steps. Sixteen, be there for my brother, my only blood brother. Seventeen, I can do anything that I put my mind and effort to."

I'd like to have the photos of my sons shown. I have just a few photos that see—tend to put a face to this issue. This is not just a concept.

We also found Caleb's testimony he wrote out weeks earlier because he wanted to start speaking in schools and to tell other kids why not to do drugs, why not to ever try it. He said, "My name is Caleb Kiessler. I'm 20 years old. I have dabbled in drugs. I've never touched crack, meth, or heroin as I have grown up watching my birth mother ruin her life and watch all her friends pass away from heroin overdoses. And I've also grown up hearing how destructive those three substances are, so I've stayed away from them and do not see myself ever trying them again." He thought he was safe. He didn't want to die. He says, "I was an athlete. I played soccer from a young age all the way up until my junior year. I got A's in school, was student council president, and ended up graduating early. And I've held a full-time job since I was 16 years old. I'm extremely intelligent. I have my parents to thank for that. As they stressed, I keep my nose in a book teaching me that knowledge is true power and is the only thing nobody could ever take from you.

"Before I got caught, I had already realized that my life needed to change. I'd been in the process of signing on with the Navy. I scored in the 90th percentile on the PCAT test. I have too many

routes available to me not to succeed. So even if the military isn't my path, I'm going to have a good future. I can feel that in my bones. I'm built to succeed.

"My issues have only made me stronger. My shortcomings don't even begin to define who I am and don't even begin to speak to what I've been through and overcame. I can only claim just a little credit for it because it's by the Lord's grace and protection that I'm alive and here to tell my story. He has watched over my whole life, even when I refused to accept his presence in existence."

[The prepared statement of Ms. Kiessling follows:]

PREPARED STATEMENT OF REBECCA KIESSLING

Mr. Chair and Members of the committee, I'm Rebecca Kiessling, mother of Caleb (forever 20) and Kyler (forever 18), as well as mother to 3 teenaged daughters. I'm also an attorney, activist, and international speaker. I testify on other types of legislation in State legislatures all over the United States and always dreamed of testifying at a Congressional hearing one day, but I never thought it would be on this topic. My sons Caleb and Kyler were killed on July 29, 2020 by fentanyl poisoning along with 17-year-old Sophia Harris, when the fake Percocets they were given turned out to be deadly fentanyl—murder pills. My son Kyler had five times the amount in his system which would have been enough to kill.

I miss Caleb and Kyler so much!!! Life is so unfair. I remember telling them so many times as they played Call of Duty—even just days before they died—"Life isn't like a video game. You don't get another chance." We had so many good times together. I want to remember them for how they lived, not how they died. I try to remember the good times and positive things and I like to share stories of happy memories. But I've been asked to testify since the story of their deaths actually made national news, with three young people being killed at once. So here I am sharing the most painful story, retelling how they died in order that other lives may be saved and other moms, dads and their many friends may be spared the pain of such a senseless slaughter.

The year Caleb was born—2000, there were approximately 20,000 drug-related deaths in the United States. The year they died—2020, there were over 100,000. And according to the CDC, "in 2021, 106,699 drug overdose deaths occurred." The problem I have with that statement, that phrase "drug overdose", is that my 2 sons didn't die from overdosing on the drug they thought they had. They didn't die from an overdose of Percocets. "A drug overdose is taking too much of a substance, whether it's prescription, over-the-counter, legal, or illegal." As with most drug deaths now, my sons died from fentanyl poisoning, which is an extremely important distinction. The death rates have skyrocketed not because people are taking too much of their "drug of choice," though of course some do. Instead what's happening with the drug epidemic is that the substances are not what they think they're getting and the drug dealers are giving them fake pills with deadly fentanyl, or fentanyl added to cocaine, heroin, meth, Marijuana, and even planted in their drinks. It's put in every drug available on the streets. And, as we've seen in numerous news reports, it's even being hidden in candies such as Skittles, Nerds, and Sweettarts, coined "rainbow fentanyl" which has been seized in more than two dozen States.

China and the Mexican cartels are not trying to create drug addicts—they trying and succeeding at killing off our people—primarily young men. If we were in a traditional war with over 100,000 dying each year from guns and bombs, our citizenry would be demanding that Congress and the President put an end to the war. But because too many people see children like Caleb and Kyler as "drug addicts", ending this war is not made the top mission. One pill can kill—that's the name of a campaign to raise awareness because it's often a first-time experimenting with drugs that a child dies from fentanyl. In many drug seizures, 3 out of 5 pills had a lethal dose of fentanyl.

Since 1999, drug deaths have increased 450 percent, primarily because of fentanyl poisoning. The world is a different place now . . . According to the CDC, the rate of drug deaths involving synthetic opioids other than methadone—meaning fentanyl—increased 22 percent between 2020 and 2021. One death from fentanyl coming over the border should be enough to sound the alarm, yet, it's just getting worse.

Almost 2 months after their deaths, I received their autopsy reports. I tried avoid seeing certain things by scanning down for the toxicology reports, but unfortunately

I read some very disturbing items. Would you want to read how much your child's brain weighed? That's the further horror a mom goes through because fentanyl freely flows across our borders and into suburbia, killing our children. As far as toxicology—both had fentanyl in them. Kyler had 11 ng/mL (ng = nanograms) of fentanyl in his blood and Caleb had 2.7 ng/mL. I'm told that 2.0 is enough to kill. Both had pulmonary edema—excess fluid in the lungs—which is what fentanyl does. My boys suffocated from fentanyl toxicity. And yet, inexplicably, both autopsy reports concluded, "cause of death: drug abuse. Manner of death: undeterminable." In the many Facebook support groups I'm in made of thousands, other parents who've lost their children have said their reports indicate cause of death to be drug toxicity, or fentanyl toxicity. They got an accurate scientific report, but in my county, they make a value judgment—drug abuse. Why is the Oakland County Medical Examiner's office making this kind of non-scientific conclusion? How many of these fentanyl deaths are even being accurately reported? I called and was mocked—"You don't like it? What are you going to do about it? You want me to sugarcoat it? Your sons wouldn't have died if they weren't abusing drugs." No, they wouldn't have died just a few years earlier because fentanyl wasn't being hidden in drugs.

This is the prejudice which exists and I believe the reason so many are still dying every day. I've actually had strangers come to my Facebook page to say that it was my sons' choice—that they wouldn't have died if they weren't doing drugs, and others telling me that drug use SHOULD be a choice for anyone to make. But you can't be pro-choice when it comes to drugs, when life is at stake. Any addiction is an illness and we need to protect people when they are most vulnerable to exploitation and death.

My sons wanted to be free and to live their lives healthy. Kyler graduated high school the day before they died, and the day after their deaths, we found a paper on which Kyler wrote out these goals just weeks before his death:

- "1. Stay away from drugs and alcohol. It's not worth it.
- "2. Surround myself with good influence people.
- "3. Stay away from nicotine.
- "4. Treat people with more respect. Don't burn bridges.
- "5. Find another method to cope that works for me.
- "6. Get closer with Jaden (his girlfriend.)
- "7. Start doing something physical to get in shape.
- "8. Start working a lot to stay focused.
- "9. Finish school!!
- "10. Have a better relationship with my parents.
- "11. Do anything and everything to better myself and my health.
- "12. Listen when told to do something.
- "13. Don't f—up probio or I'll have a felony on my record!!
- "14. Report to any and every drug test.
- "15. Don't follow in my birth mom's footsteps. (He loved her dearly though.)
- "16. Be there for my brother, my only blood brother.
- "17. I can do anything that I put my mind and effort into.
- "Learn from this experience and never never come back. This is not the lifestyle I want."

We also found Caleb's testimony he'd written out weeks earlier, because he wanted to begin speaking in schools, to tell kids why not to try drugs. Here are some excerpts, so he essentially has the opportunity to testify here in Congress from the grave:

"My name is Caleb Kiessling. I'm 20 years old. I've dabbled in more drugs than I have fingers, ranging from weed all the way up to cocaine. I've never touched crack, meth, or heroin as I have grown up watching my Birthmother ruin her life and watch all of her friends pass away from heroin overdoses, and also I've grown up hearing how destructive those three substances are so I've stayed away from them and do not see myself ever trying them.

"My drug use stems more from dealing with a lot of mental and emotional pain on a daily basis rather than from addiction in the classic sense of the word. I have chronic anxiety and depression which comes about for seemingly no apparent reason and can be almost crippling some days, leaving me emotionally unable to force myself out of bed. I started dealing with these issues around 13 years old.

"I was an athlete (I played soccer from a young age all the way up until my Junior year of high school when I tore my ACL.) I got all A's in school, was student council president, and ended up graduating EARLY, and, I've held a full-time job since I was 16 years old.

"I am extremely intelligent. I have my parents to thank for that as they stressed I keep my nose in a book, teaching me that knowledge is true power and is the one

thing nobody can ever take from you. Try me on just about any subject and I will at least have a limited knowledge on it.

“Before I got caught, I had already realized that my life needed a change and I had been in the process of signing on with the Navy. I scored in the 90th percentile on the PICAT test. I have too many routes available to me not to succeed so even if the military isn’t my path I’m gonna have a good future. I can feel that in my bones.

“I’m built to succeed and my issues have only made me stronger. My shortcomings don’t even begin to define who I am and don’t even begin to speak to what I’ve been through and overcame.

“I can only claim just a little credit for it because it is by the Lord’s grace and protection that I am alive and here to tell my story. He has watched over my whole life, even when I refused to accept his presence and existence.

“If I had to describe myself and the person I am, I’m very balanced in knowledge whether it be book, street, or life wisdom. I’m a hard worker and have no issues making money. I’m the most loyal of the loyal. I’m there for my family and friends; I have never turned my back. I’m very trustworthy. My people can come to me with anything, no matter what it is. I’m the young lion of my pride, the young wolf of my pack in a sense. I’m quiet and serious but can get goofy in my element.

“I’m very respectful of other people and treat everyone with dignity. I’m not violent by nature but will go to war if you push me and mine.

“I am by no means impressionable and will not just believe anything I am told. I have a way of reading a person and can smell b.s. a mile away. I keep my circles small. All the friends I keep I consider family and know I can trust them even with the heaviest of things.

“I am by no means perfect. I have my issues which I will never deny. But I also do not regret my issues or my shortcomings as I have learned and become stronger for them.

“The Lord has blessed me with the qualities of a great man and despite the obstacles I have faced, I am well on my way to becoming just that.”

My son thought he was safe by taking pills. He didn’t want to die. He was murdered by fentanyl. Please don’t let my boys’ deaths be in vain. I hope hearing from them helps to humanize the massive losses from our border crisis.









Chairman GREEN. Rebecca, we are going to need to move to our next witness. OK? I know you are—I mean, I can't imagine, none of us here can imagine. I am so sorry. But there will be questions and you will get to share more in a moment, OK?

Ms. KIESSLING. OK. Thank you.

Chairman GREEN. Sheriff Lamb, I now recognize you for your testimony. Thank you. You have 5 minutes.

**STATEMENT OF MARK LAMB, SHERIFF, PINAL COUNTY,
ARIZONA**

Sheriff LAMB. Chairman Green, esteemed Members, thank you. I'm going to go through this quick. I hope I don't sound like a livestock auctioneer here. My heart goes out to Rebecca and so many other families.

I am the sheriff of Pinal County, Arizona. My county is located between Phoenix and Tucson. It is approximately the size of the State of Connecticut. We are not a border county. However, we are 52 miles from the border at our closest point through the desert. We have an Indian reservation on the south end which actually runs into Mexico and the cartel for decades has pushed people through and it hasn't changed recently.

We are also 71 miles off the border on the I-10 Interstate. This is important because the I-10 Interstate is one of the main arteries for human and drug trafficking into America. The drugs that make it into your States come through my county at one point.

Let me give you some of our statistics just to show you how much this affects us. We have had a 377 percent increase in the last 2 years for traffic stops involving human smuggling and trafficking. We have had a 461 percent increase in pursuits involving human smuggling, putting my citizens at risk.

Now, the drivers are predominantly American, but oftentimes they are juveniles being actively recruited by the cartels on social media, paying them thousand dollars per person that they transport into my community. A lot of what we see are not layups, you hear the term "layups," layups for people that come through the border, turn themselves into Border Patrol, and claim asylum.

What I deal with in the Tucson sector in my county is we deal with the gotaways. Those people you hear about, the gotaways, that's in our county. These are people that are going to be dressed in camouflage clothes, carpet shoes, and backpacks like this. They're littered throughout my desert. I just picked these up Sunday morning and this is what I see all—every day. This is the sign of somebody who's trying to come in undetected and illegally into this country.

The problem is, is that we are allowing the weak policies that we have in place here on a National level and the lack of fortitude to secure our border has created an opportunity for the cartels. Not only do we deal with the criminal element, we deal with the humanitarian element.

Every summer we spend our helicopter, our resources. It's a drain of my resources. My K-9s are dedicated solely to interdiction. I have an anti-smuggling unit. My helicopter, we had 10 events yesterday alone. One of them was a 9-1-1 call. We had a gentleman we had to go find that the cartel left for dead a year or so ago. When we found him, he was laying under a palo verde tree. We had to give him three bags of IV to bring him back. While we were doing that, there were 7 more 9-1-1 calls on the board for lost, injured, or left-behind smugglers.

The people are being tricked and trapped into coming here by these cartels because of our policies or lack of. When they come here, the women are being raped. We had a woman we caught a while back that had a baggie full of pills and we said what are

these pills? She says, well, when I came across the border, I knew I'd be raped multiple times. These are morning-after pills.

Have we lost our moral compass so bad that we put politics in front of people? They are raping the women, raping the children, using them as pawns, oftentimes putting them in the sex trade here in America. Slavery is as prolific, is super prolific nowadays. They are extorting the men.

The cartel knows this. How many times can they sell you a pill? Once. How many times can they sell you a woman? Hundreds. How many times can they sell you a child? Hundreds. This is what the cartel is doing.

I don't want to dwell on that, but I want to get onto the drugs. In our county, we have seen a 600 percent increase in fentanyl in my community. In 2018, we had zero M30 fentanyl pill seizures. In 2019, we had around 700 pills. In 2020, we had over 200,000 pills. In 2021, we had over 1.2 million pills. This last year, we had over 1.4 million pills come into my community. I hope that one of you will ask me about xylazine, which is something we're now finding in our communities.

I want to get on to the children because I think this is important, because this is what deals with Rebecca and so many other families. In the State of Arizona in 2021, we lost 44 children to poisonings under the age of 17. Seven were under the age of 1 year old. If that doesn't mobilize the forces of this country to stop this problem, I don't know what will. This is what we deal with on a daily basis, and I hear that 90 percent come through the ports. Those numbers are not what we're seeing. It's 50-50, 52-48.

The fact that they think they can bring it through our borders is not something to brag about, that we catch it. Because what that tells me is the cartel is so confident that they're going to get those drugs through your borders, they come right through our front door. We have said the amount of seizures we've had have saved probably this entire country multiple times over. This is something that we need to address.

I know I'm over time. I just want to say thank you to the partners that we have with Border Patrol ICE. I thank you for the Stonegarden funds, which allow us to help you in your mission. We've got a tremendous amount of work to do.

I will tell you, the lines of communication were severed when this administration took over. We have zero communication with the Federal side, which is disappointing, something we lost when this administration came in.

I would also just like to say in closing, that we've got to do better on saying the messaging. The media, the politicians, you got to stop saying this is a manufactured crisis. The statistics I've given you say otherwise. You have to stop saying that the border is secure because the border is not secure.

With that, I will turn it back over to the Chairman. I thank you and I appreciate the opportunity to be here, and look forward to answering questions.

[The prepared statement of Sheriff Lamb follows:]

PREPARED STATEMENT OF SHERIFF MARK LAMB

Chairman Green, and Members of the committee, thank you for the opportunity to testify before you. As Sheriff of Pinal County, Arizona, I must share with you the critical and life-threatening issues pertaining to border security that my agency is facing.

Pinal County sits just 55 miles north of the U.S./Mexico Border at its closest point. And Interstate 10, a busy smuggling corridor, crosses into my county 71 miles north of the border. We are not a "border county," rather a pass-through community. A high percentage of the drug and human smuggling plaguing our country must come through my county on its way north into Phoenix and ultimately the rest of the United States.

Over the last 2 years, human smuggling/trafficking incidents in Pinal County are up 377 percent, and vehicle pursuits related to human smuggling are up 461 percent. The drivers are typically American teenagers, recruited on social media by the cartels. Their passengers are not "give ups", the people who self-surrender at border or at entry points. The majority of the people we see and deal with are being trafficked by the cartels. The people we deal with are the "got-aways" we always hear about. They are adult military-aged men wearing camouflage clothes, carpet shoes, carrying backpacks and oftentimes drugs. They have eluded Border Patrol by walking through the desert for several days and have no intentions of giving up. Many of them have been deported before, have criminal records, or work directly for the cartels. Their goal is to enter our country undetected and illegally.

This is an incredibly dangerous journey. My agency's resources are often used on humanitarian missions to recover the undocumented individuals who become injured along the way and are left behind to die in our summer heat by the cartel coyotes.

Many people from around the world who seek a better life are being tricked and trapped into the human trafficking business by cartel gangs who are taking advantage of this administration's inability to take action. Our Nation's weak border security policies are practically hand-delivering these people to the cartels, to be caught up in a form of modern slavery, indebted to their traffickers indefinitely.

If it's not humans being trafficked, it's drugs. The number of fentanyl pills my deputies have seized along this same route since 2020 is up 610 percent.

Despite our best efforts to stop these drugs before they enter any further into our communities, the sad realization is we are only catching a fraction of these smuggling attempts. We are having very little impact on these transnational criminal organizations' bottom line.

What we miss unfortunately has a ripple effect on the rest of the country. These things were not designed to stay in my county. They only pass through on their way into North Carolina, New York, Alabama and every other State in this country. What is in my backyard today will be in all of your front yards tomorrow.

Fentanyl poisoning is one of the leading causes of death in children across the United States, including my home State of Arizona. American teenagers are dying in their beds from a synthetic pill they purchased on social media. No State, no community, nobody is immune from the reach of this terrible poison. Even my own family has been deeply affected. This is truly a crisis.

And while we are pleased to be able to partner with Border Patrol through the Operation Stonegarden (OPSG) Program, and our local and State partners stand beside us in our mission, unfortunately that is where the partnerships end. The lack of communication on the Federal level leaves us to wonder if our efforts are in vain.

Our biggest frustration stems from being told by this administration and the media that there is not a crisis at our Southern Border, and the lie that our Southern Border is secure. Clearly, our statistics tell a different story. And that story is that the border is not secure.

Our Federal Government must put forward a real and honest effort into curbing these epidemics, before more innocent American lives are lost.

I look forward to answering your questions. Thank you.

Chairman GREEN. Thank you, Sheriff Lamb. I now recognize Mr. Trenchel for 5 minutes to summarize his opening statement.

**STATEMENT OF ROBERT J. TRENSCHEL, DO, MPH, PRESIDENT
AND CHIEF EXECUTIVE OFFICER, YUMA REGIONAL MEDICAL CENTER**

Dr. TRENSCHEL. Good morning, Chairman Green and Members of the Homeland Security Committee. Thank you for inviting me here

today to give you a first-hand account of the impact that open borders have had on our hospital and community over the past year and more.

Yuma Regional Medical Center is a 406-bed hospital that offers a full range of acute care services. The closest hospitals that do what we do are located 180 miles away in Phoenix or San Diego. Given our geographic location, our hospital and health system holds a deep responsibility of keeping local families close to home for care whenever possible. For many who live here, traveling out of town for care is simply an unbearable challenge. They depend on us to be here. Our mission to meet the needs of our community is always at the forefront of every decision.

I also want to acknowledge the work and heart of our staff at Yuma Regional Medical Center who continue to care for patients each and every day. They provide the same high level of care for every patient. We do not treat anyone differently, and we take pride in that. If your mother or grandchild walk through our doors, or if a migrant walks through our doors, they would receive the same level of care.

Over the last approximately year-and-a-half we've had a highly significant number of migrants cross the border into our community. Our hospital saw an increase in the number of migrants seeking care beginning in the late fall/early winter of 2021. They arrive to our hospital room in a multitude of ways. Some patients come to us via Border Patrol, who typically release them from custody upon arrival. Other patients walk in, take taxis, some even come by Uber.

As I've said, we are the only acute care hospital in the area, which means diversion to another facility is not an option. We are it.

Some migrants come to us with minor ailments, but many of them come in with significant disease. We've had migrant patients on dialysis, cardiac catheterization, and in need of heart surgery. Many are very sick. They have long-term complications of chronic disease that have not been cared for. Some end up in the ICU for 60 days or more.

One of the largest cohorts we have seen are maternity patients who present with little or no prenatal care. These higher-risk pregnancies and births result in higher complication rates and longer hospital stays. Due to a lack of prenatal care, many of these babies require a stay in our neonatal intensive care unit, some for a month or more at a time.

There are language and cultural concerns with migrant patients and we work through those. But when you consider the volume and associated case management that come with it, resources have to support this as well.

Migrants often require three times the amount of human resources to resolve their cases and provide them a safe discharge as defined by CMS. That effort includes assistance with locating families, making sure they have a safe place to go when they are discharged, arranging and sometimes purchasing durable medical equipment when needed. We have paid for emergency air transport when they need a higher level of care. We've paid for hotel rooms, taxis, and car seats. We do these things because it's the right thing

to do from a humanitarian perspective. But it also allows us to open a hospital bed sooner for another patient in our community.

None of these expenses are included in the \$26 million figure. Our reality is this: We have delivered over \$26 million in uncompensated care to these individuals in the 12-month period of time from December '21 to November 2022. That's an auditable figure. Let me assure you it is not an approximation. That number comes from a detailed review of unpaid patient bills directly attributed to migrant patients.

Twenty-six million dollars in uncompensated care is simply an unsustainable business model. While this is a huge number that we have validated, the point is that any number is not acceptable. It is an unsustainable model to have a hospital like ours bear the entire burden of paying for migrant health care. No business or service can survive on-going, large-scale expense without any offsetting revenue. Because of this surge of migrant care, we've had to hire additional staff at a time when health care labor post-pandemic is higher than ever.

Every dollar in uncompensated care has a direct impact on our hospital. Migrant patients are receiving free care. They have no ability to pay. We have no ability to bill anyone. We don't know their final destination. We don't know anything about them.

Let me put this into perspective. Twenty-six million dollars is equal to the benefits and salaries to support 212 bedside nurses. The city of Yuma has 100,000 people. We've had 300,000 people cross the border in Yuma in 1 year. That's three times the population of Yuma coming across the border. We are the only hospital within a 3-hour radius, which means they come to us.

We've contacted our State and Federal leaders. No one has a solution. They're willing to listen and are empathetic, but, so far, we have no solutions or any reimbursement for the care.

We've been at this for well over a year now. On behalf of our entire hospital care team, I'm here seeking your leadership and support to find a payer source for the care we have already provided and will continue to provide in the future, and to put long-term solutions into action that will support our daily commitment to be here for our community for years to come. One hospital should not and cannot bear the health care costs of a national migrant problem that is deeply impacting Arizona and our community. We need a revenue source for this patient population so we can sustainably provide high-quality care to all comers and remain viable for the future. Thank you.

[The prepared statement of Dr. Trenchel follows:]

PREPARED STATEMENT OF ROBERT TRENSCHEL

Good afternoon. I'm Dr. Robert Trenchel, the president and CEO of Yuma Regional Medical Center. Thank you for inviting me to be here today to give you a first-hand account of the impact that open borders have had on our hospital and community over the past year and more.

I have been in Yuma, AZ for close to 8 years as CEO. I bring over 30 years of experience in health care administration. Yuma Regional Medical Center is a 406-bed hospital that offers a full range of acute care services with the exception of transplant surgery, neurosurgery, and burn. The closest hospitals that do what we do are located 180 miles away in Phoenix or San Diego. Given our geographic location our hospital and health system holds a deep responsibility of keeping local families close to home for care whenever possible. For many who live here, traveling

out of town for care is an unbearable challenge. They depend on us to be here. Our mission to meet the needs of our community is always at the forefront of every decision. I also want to acknowledge the work and heart of our staff at Yuma Regional Medical Center who continue to care for patients each and every day. They provide the same high level of care for every patient. We do not treat anyone differently and we take pride in that. If your mom, or grandchild walked through our doors—or if a migrant walks through our doors—they would receive the same level of care.

Over the last approximately year and a half we've had a significant number of migrants cross the border into our community. Our hospital saw an increase in the number of migrants seeking care beginning in the late Fall/early Winter of 2021. They arrive to our hospital emergency room in a multitude of ways: some patients come to us via Border Patrol who typically release them from custody upon arrival, other patients walk in, take taxis, and some even come by Uber. As I've said we are the only acute care hospital in the area—which means diversion to another facility is not an option. We are it.

Some migrants come to us with minor ailments but many of them come in with significant disease. We have had migrant patients on dialysis, cardiac catheterization and in need of heart surgery. Many are very sick. They have long-term complications of chronic disease that have not been cared for. Some end up in the ICU for 60 days or more. One of the largest cohorts we have seen are maternity patients who present with little or no prenatal care. These higher-risk pregnancies and births result in higher complication rates and longer hospital stays. Due to a lack of pre-natal care, many of these babies require a stay in our Neonatal Intensive Care Unit—some for a month or more at a time. There are language and cultural concerns with migrant patients. We work through those but when you consider the volume and the associated case management that comes with it, resources have to support this as well. Migrants often require three times the amount of human resources to resolve their cases and provide them with a safe discharge as defined by CMS [CMS-3317-F]. That effort includes assistance locating their families, making sure they have a safe place to go when they are discharged, arranging and sometimes purchasing durable medical equipment when needed. We have paid for emergency air transport when they need a higher level of care; we've paid for hotel rooms, taxis, and car seats. We do these things because it's the right thing to do from a humanitarian perspective but it also allows us to open a hospital bed sooner for another patient in our community.

None of these expenses are included in the \$26 million figure. Our reality is this: we have delivered over \$26 million in uncompensated care to these individuals in the 12-month period of time from December 2021–November 2022. That is an auditable figure. Let me assure you, it is not an approximation. That number comes from a detailed review of unpaid patient bills directly attributed to migrant patients: \$26 million in uncompensated care is not a sustainable business model. While this is a huge number that we have validated the point is that any number is not acceptable. It is an unsustainable model to have a hospital like ours bear the entire burden of paying for migrant health care. No business or service can survive on-going large-scale expense without any offsetting revenue. Because of this surge in migrant care we've had to hire additional staff, at a time when health care labor, post-pandemic, is higher than ever.

Every dollar in uncompensated care has a direct impact on our hospital. Migrant patients are receiving free care, they have no ability to pay, we have no ability to bill anyone. We don't know their final destination, we don't know anything about them. We cannot provide completely free care to the residents of our community so the situation is not fair and is understandably concerning to them. Let me put this into perspective: \$26 million dollars is equal salary and benefits to support 212 bedside nurses. The city of Yuma has 100,000 people and we've had over 300,000 people cross the border here. That's three times the population of Yuma coming across the border. We are the only hospital within a 3-hour radius—which means they come here. We've contacted our State and Federal leaders and no one has a solution. They are willing to listen and are empathetic to our situation, but so far, we have no solutions or reimbursement for the care. We've been at this for well over a year now. On behalf of our entire hospital care team, I am here seeking your leadership support to find a payor source for the care we have already provided and will continue to provide into the future and to put long-term solutions into action that will support our daily commitment to be here for our community for years to come.

One hospital should not, and cannot, bear the health care costs of a national migrant problem that is deeply impacting Arizona and our community. We need a revenue source for this patient population so that we can sustainably provide high-quality care to all comers and remain viable for the future. Thank you.

Chairman GREEN. Thank you, Mr. Trenchel. I now recognize Mr. Bier for 5 minutes to summarize his opening statement.

**STATEMENT OF DAVID J. BIER, ASSOCIATE DIRECTOR,
IMMIGRATION STUDIES, CATO INSTITUTE**

Mr. BIER. Chairman Green, Ranking Member Thompson, and distinguished Members of the committee, thank you for the opportunity to testify. For more than four decades, the Cato Institute has produced original research on immigration, showing a freer, more orderly, and more lawful immigration system creates a freer, wealthier, and safer country. We see people as the ultimate resource, that given the freedom to thrive people, regardless of birthplace, are a benefit to our society.

Unfortunately, the U.S. immigration system is so narrow and so backlogged that most people who want to come to this country have no legal way to do so. They have no line. As a result, the United States ranks in the bottom third of wealthy countries for its immigrant share of the population.

This restrictive system is harming our communities, from the largest cities to the smallest towns. The worker shortage, averaging nearly 10 million open jobs per month, has cost the United States nearly \$1 trillion in lost productivity in the last year alone.

Population decline is eroding tax bases in cities both large and small. Nearly three-quarters of America's counties had more deaths than births in the last year. U.S. population growth is the lowest it has ever been in our entire history.

This restrictive system also causes illegal immigration, which can tear apart communities when employees, employers, and spouses of U.S. citizens are deported.

Immigrants are not undermining the safety of U.S. communities. Just the opposite. Census Bureau data show that legal and illegal immigrants are half as likely to end up behind bars as U.S.-born residents. During the 1990's, when the immigrant population grew faster than it had at any point in over a century, crime fell rapidly. It fell faster and further in immigrant-dense communities.

About 350,000 immigrants serve in protective occupations as police officers, detectives, and private security. Immigrants work with police to solve crimes. About 315,000 immigrants right now are awaiting status based on their cooperation with local investigations. There are countless examples of U.S. communities turned around by the economic revitalization brought by immigrants. Immigrants increase State and local tax revenues by over \$250 billion per year, more resources to keep communities safe.

The committee is right to investigate the scourge of Fentanyl deaths. But immigrants are not the cause. Fentanyl is overwhelmingly smuggled through ports of entry, largely by U.S. citizens. U.S. citizens accounted for 86 percent of convicted fentanyl traffickers in 2021. Despite arresting over 700,000 illegal entrants so far this year, less than 1 percent of CBP's fentanyl seizures have come from people carrying it across the border illegally.

The restrictions on trade and travel that started in 2020 have only exacerbated the problem. Because fentanyl is 50 times more potent than heroin, it can supply the same market with far fewer trips. So, with fewer trips and more scrutiny, in 2020 and 2021,

traffickers switched from heroin to fentanyl, and fentanyl deaths doubled.

Border policies have failed victims by making drugs more potent and deadly. Congress should focus on helping drug users, not banning immigrants.

The crackdown on asylum under Title 42 has also failed to secure the border. Now that requesting asylum is no longer an option, evasion of Border Patrol has increased five-fold from 2019 to 2023. Forcing immigrants to cross in more remote, more rural areas of the border has led to more suffering and death, which is straining rural hospitals. We have seen repeatedly that closing off legal options to immigrate creates illegal immigration, while opening them up reduces it. The administration's new parole sponsorship programs for Cubans, Haitians, Venezuelans, and Nicaraguans are already working to reduce illegal migration by those populations by over 90 percent. These programs empower ordinary Americans in every community to help fix the border. Congress should work with them. Thank you.

[The prepared statement of Mr. Bier follows:]

PREPARED STATEMENT OF DAVID J. BIER

FEBRUARY 28, 2023

RE: Every State is a Border State: Examining Secretary Mayorkas' Border Crisis

Chairman Green, Ranking Member Thompson, and distinguished Members of the committee, thank you for the opportunity to testify.

My name is David Bier. I am the associate director of immigration studies at the Cato Institute, a nonpartisan public policy research organization here in Washington, DC. As a policy advisor for a former Member of the House, I am honored to be invited to speak with you today about the challenges that America's outdated immigration system poses for local communities in every State.

My testimony will show that immigrants are not the cause of those challenges. Instead, America's restrictive immigration system and border crackdowns on asylum seekers are only adding to them. A legal, vetted, and orderly system of legal immigration would restore order and benefit cities and towns across this country.

RESTRICTIVE IMMIGRATION POLICY BURDENS AMERICAN COMMUNITIES

For more than four decades, the Cato Institute has produced original research on immigration law and border security. This research has shown that a freer, more orderly, and more lawful immigration system would benefit Americans in a multitude of ways, freeing both immigrants and Americans to contribute more to this country, economically and socially. We see people as the ultimate resource: that given the freedom to thrive, people—regardless of birthplace—are a benefit to our society and the world.

Unfortunately, America's current legal immigration system is highly restricted by every measure—compared to demand, compared to other similarly-developed countries, and compared to America's own history. Outside of the immediate family of U.S. citizens and green card holders, a person's chances of being able to immigrate legally are extremely low. To briefly review the four available permanent immigration options:

1. The capped family sponsored system is so backlogged that millions of sponsors will be dead before the immigrant receives a green card.¹
2. Employer-sponsored green cards also have a backlog of over 1 million, and they are virtually impossible to obtain for those without very high wage offers.²

¹David J. Bier, "1.6 Million Family Sponsored Immigrants Will Die Before They Can Immigrate," Cato Institute, March 2022, <https://www.cato.org/blog/16-million-family-sponsored-immigrants-will-die-they-can-immigrate>.

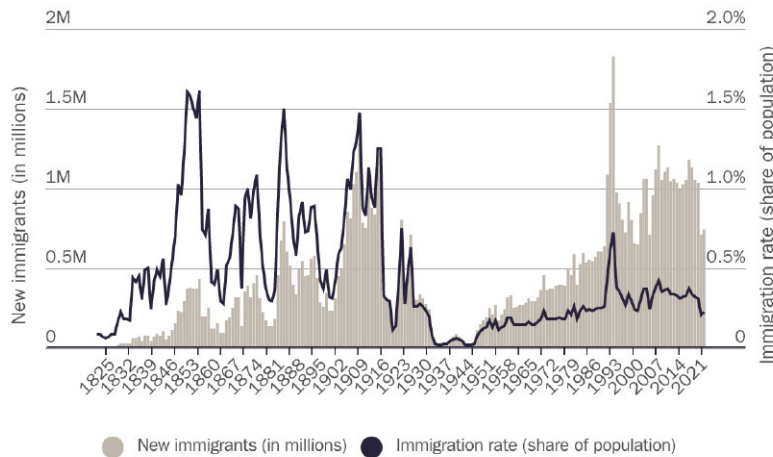
²David J. Bier, "1.4 Million Skilled Immigrants in Employment-Based Green Card Backlogs in 2021," Cato Institute, March 2022, <https://www.cato.org/blog/14-million-skilled-immigrants-employment-based-green-card-backlogs-2021>.

3. The world has a refugee population over 20 million, and the United States accepted barely 25,000 through its refugee program last year—0.1 percent.³

4. The diversity green card lottery is available to immigrants if they are not from the main origin countries and have a high school degree or experience in a skilled job, but it offers entrants just a 0.2 percent chance of receiving a green card.⁴

This constrained system is a total rejection of America's founding traditions. In the late 19th and early 20th century—before Congress closed the doors to legal immigrants—the United States permitted a much higher annual rate of legal permanent immigration, commonly exceeding 1 percent of its population—over three times the legal rate in recent years and the equivalent of 3.3 million people annually today.⁵

Immigrants becoming legal permanent residents, 1820–2021



Source: 1820–2021: Department of Homeland Security, "Yearbook of Immigration Statistics," 2022.

Compared to its peers, the United States ranks in the bottom third of wealthy countries for foreign-born population share.⁶ Even if tens of millions of immigrants arrived and stayed in the United States over the next decade, Australia, Canada, and New Zealand would still have more immigrants per capita than the United States. It would take 75 million immigrants arriving tomorrow for the United States to overtake Australia.⁷ In reality, over the last decade, the immigrant share of the U.S. population increased by just over a half of a percentage point, and it did not increase at all from 2017 to 2021.⁸

³"Figures at a Glance." *UNHCR*, <https://www.unhcr.org/figures-at-a-glance.html>. State Department, "Admissions & Arrivals," Refugee Processing Center, April 2021, <https://www.wrapsnet.org/admissions-and-arrivals/>.

⁴"Diversity Visa Program Statistics," State Department, February 2023, <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-program-statistics.html>.

⁵David J. Bier, "Over 100 Million Immigrants Have Come to America Since the Founding," *Cato Institute*, October 2018, <https://www.cato.org/blog/over-100-million-immigrants-have-come-america-founding>.

⁶David J. Bier, "America's Foreign Share Is In The Bottom Third Among Richest Nations," *Cato Institute*, September 2020, <https://www.cato.org/blog/americas-foreign-share-bottom-third-among-richest-nations>.

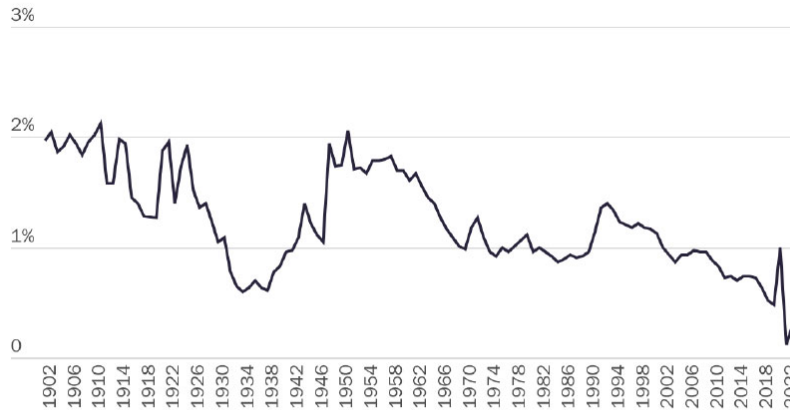
⁷David J. Bier, "US Foreign-Born Share Ranks Low & Is Falling Among Wealthy Countries," *Cato Institute*, July 2022, <https://www.cato.org/blog/us-foreign-born-share-ranks-low-falling-among-wealthy-countries>.

⁸"SELECTED CHARACTERISTICS OF THE NATIVE AND FOREIGN-BORN POPULATIONS," Census Bureau, February 2023, <https://data.census.gov/table?q=foreign+born&tid=ACST1Y2021.S0501>.

As a result, Sweden, Germany, Iceland, Ireland, and Cyprus have all surpassed the U.S. foreign-born share in the last two decades.⁹ This situation isn't surprising because Congress has refused to update its legal immigration system for the last 33 years—a time before the world wide web.

America's restrictive immigration policies are harming American communities in every part of the country. The worker shortage—which now numbers over 10 million open jobs—has cost the country nearly \$1 trillion in lost productivity over just the last year.¹⁰ It is undercutting America's competitive edge in international trade and technological development, sending good-paying jobs for Americans abroad.¹¹ Population decline is eroding tax bases in cities both large and small. Nearly three-quarters of America's counties had more deaths than births in 2021,¹² and U.S. population growth is the lowest that it has ever been in our history.¹³

U.S. Population Growth Rate by Year



Source: U.S. Census Bureau, "National Intercensal Tables: 1900-1990," "National Intercensal Tables: 1990-2000," "National Intercensal Tables: 2000-2010," "National Population Totals and Components of Change: 2010-2019," "Growth in U.S. Population Shows Early Indication of Recovery Amid COVID-19 Pandemic," 2022.

Note: 1918 was excluded because the rate went negative but only because of overseas military personnel

Besides the negative economic effects of population decline, social capital is lost when churches, basketball leagues, book clubs, and community centers lose members and participants, and American families are harmed when they cannot reunite with immigrant family members stuck abroad. Population decline can even increase crime rates.¹⁴ Immigrants fill an essential part of the social fabric that makes America strong, healthy, and vibrant. American communities suffer when the U.S.

⁹David J. Bier, "US Foreign-Born Share Ranks Low & Is Falling Among Wealthy Countries", Cato Institute, July 2022, <https://www.cato.org/blog/us-foreign-born-share-ranks-low-falling-among-wealthy-countries>

¹⁰"Job Openings and Labor Turnover Survey," BLS, February 2023, <https://www.bls.gov/jlt/>. "Occupational Employment and Wage Statistics," BLS, February 2023, <https://www.bls.gov/oes/current/oesrcst.htm>.

¹¹Madeline Zavodny, "Immigration, Employment Growth, and Economic Dynamism," NFAP, February 2023, <https://nfap.com/research/new-nfap-policy-brief-immigration-employment-growth-and-economic-dynamism/>. Britta Glennon, "How Do Restrictions on High-Skilled Immigration Affect Offshoring? Evidence from the H-1B Program," NBER, February 2023, <https://www.nber.org/papers/w27538>.

¹²"Over Two-Thirds of the Nation's Counties Had Natural Decrease in 2021," Census Bureau, March 2022, <https://www.census.gov/newsroom/press-releases/2022/population-estimates-counties-decrease.html>.

¹³Luke Rogers, "COVID-19, Declining Birth Rates and International Migration Resulted in Historically Small Population Gains," Census Bureau, December 2021, <https://www.census.gov/library/stories/2021/12/us-population-grew-in-2021-slowest-rate-since-founding-of-the-nation.html>.

¹⁴Meghan E. Hollis, "Homicide, Home Vacancies and Population Change in Detroit," Michigan Applied Public Policy Research Program, 2017, https://ippsr.msu.edu/sites/default/files/MAPPR/Homicide_Vacancies_PopChange.pdf.

Government interferes to force worker shortages, population decline, and family separation.

Another unfortunate side effect of America's restrictive immigration system is that millions of people who want to contribute their skills and hard work cannot do so legally, which leads to violations of the law. Congress has created a situation where illegal immigration is the only way to enter the country for most immigrants, so it is not surprising that illegal immigration is common.

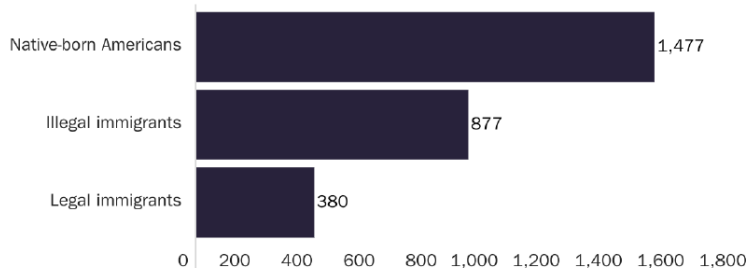
The lack of legal status for many immigrants fractures communities across the country. Entrepreneurs, small business owners, and farmers see workers that they thought were legally employed ripped away overnight.¹⁵ American families are shattered when spouses of U.S. citizens are deported and banned from ever returning to this country. U.S. workers can even see their employers be shut down if the owners are arrested for lacking documents or hiring immigrants without documents. It took years for Postville, Iowa to recover after a massive enforcement raid removed a significant portion of the town.¹⁶ Dozens of homes were foreclosed. Restaurants closed. The social disruption lives on.

Laws that were better reflective of the social and economic reality in the United States would reduce violations of the law, allowing the country to benefit from immigration without the downsides and costs associated with illegal immigration.

IMMIGRANTS MAKE AMERICAN COMMUNITIES SAFER

Immigrants contribute to the safety and security of American communities in numerous ways. First, they directly lower the crime rate by committing fewer crimes. According to data from the Census Bureau's American Community Survey, immigrants are half as likely to end up in the criminal justice system and behind bars (Graph).¹⁷ This is true, even for immigrants in the country illegally, despite thousands of those immigrants being incarcerated solely for immigration offenses that U.S. citizens cannot commit.

Incarceration rates by immigration status, ages 18–54, 2018



Source: American Community Survey, 1-Year Estimates, 2018 analysis by Landgrave, Michelangelo, and Alex Nowrasteh. "Illegal Immigrant Incarceration Rates, 2010–2018: Demographics and Policy Implications." Policy Analysis No. 890, Cato Institute, Washington, DC, April 21, 2020. <https://doi.org/10.36009/PA.890>.

Note: Rates are per 100,000 residents in each subpopulation.

The lower crime rates create safer communities for Americans to live. During the 1990's, when the immigrant population grew faster than any time in over a century,

¹⁵ Alejandro Lazo, "After 20 Years in U.S., Indiana Restaurant Owner Is Deported," *Wall Street Journal*, April 2017, <https://www.wsj.com/articles/after-20-years-in-u-s-indiana-restaurant-owner-is-deported-1491443231>.

¹⁶ Courtney Crowder and MacKenzie Elmer, "A decade after a massive raid nabbed 400 undocumented workers, this tiny town fights to reclaim its identity," May 2018, *Des Moines Register*, <https://theworld.org/stories/2017-04-20/massive-ice-raid-town-didnt-stop-undocumented-labor-or-illegal-immigration>.

¹⁷ Michelangelo Landgrave and Alex Nowrasteh, "Illegal Immigrant Incarceration Rates, 2010–2018: Demographics and Policy Implications," Cato Institute, April 2020, <https://www.cato.org/publications/policy-analysis/illegal-immigrant-incarceration-rates-2010-2018-demographics-policy>.

crime fell rapidly across the country.¹⁸ Immigrant-dense cities saw crime fall further and faster than elsewhere in the country during that time.¹⁹

Immigrants also directly affect the crime rate through their participation in or cooperation with law enforcement. There were over 80,000 immigrants serving as detectives and police officers in 2021, and about 350,000 immigrants in protective service roles including corrections officers, bailiffs, private security, firefighters, and other similar positions.²⁰ Training more police officers is a proven way to reduce crime,²¹ yet many cities are finding it difficult to fill open jobs. In Tulsa, Oklahoma, for instance, there are 160 officer jobs unfilled.²² In 2015, the Nashville Police Chief Steve Anderson convinced legislators in Tennessee to open police recruitment to noncitizens with military service to help address the shortage, and other departments are opening to immigrants as well.²³

Even if they don't or can't serve directly, immigrants aid law enforcement through cooperation with authorities. Immigrants to New Jersey helped turn around the South Paterson, an area once beset by crime and corruption. The Paterson police commissioner pointed to the willingness of immigrant business owners to work with police as one major reason for its lower crime rate.²⁴

There are countless examples of immigrants helping law enforcement to stop criminals or prevent crimes. Two foreign students stopped a sexual assault at Stanford, testifying against the rapist at trial.²⁵ Another immigrant lost his life stopping a rape in Virginia.²⁶ A video filmed on a Dominican immigrant's phone was the basis of a homicide conviction in South Carolina.²⁷ A Colombian immigrant in Miami drove his van between an officer and an active shooter, saving the officer's life.²⁸ A major source of funding for local police comes from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Byrne was a New York city officer killed guarding a Guyanese immigrant who had repeatedly reported criminal activity by U.S. citizens in his community.²⁹ The immigrant then again risked his life to testify against Byrne's killers.

Immigrants without legal status also can help stop crimes. An unauthorized immigrant acting as a convenience store nightwatchman stopped a burglary in

¹⁸ Lauren Brooke-Eisen, Oliver Roeder, and Julia Bowling, "What Caused the Crime Decline?," Brennan Center for Justice, February 2015, <https://www.brennancenter.org/our-work/research-reports/what-caused-crime-decline>.

¹⁹ Wadsworth, T. (2010), *Is Immigration Responsible for the Crime Drop? An Assessment of the Influence of Immigration on Changes in Violent Crime Between 1990 and 2000*. Social Science Quarterly, 91: 531–553. <https://doi.org/10.1111/j.1540-6237.2010.00706.x>. STOWELL, J.I., MESSNER, S.F., MCGEEVER, K.F. and RAFFALOVICH, L.E. (2009), IMMIGRATION AND THE RECENT VIOLENT CRIME DROP IN THE UNITED STATES: A POOLED, CROSS-SECTIONAL TIME-SERIES ANALYSIS OF METROPOLITAN AREAS. *Criminology*, 47: 889–928. <https://doi.org/10.1111/j.1745-9125.2009.00162.x>

²⁰ "MDAT," Census Bureau, February 2023, <https://data.census.gov/mdat/#/search?ds=ACSPUMSIY2021&cv=CIT&rv=OCCP&wt=PWGTP>.

²¹ MacDonald, J.M., Klick, J. and Grunwald, B. (2016), The effect of private police on crime: evidence from a geographic regression discontinuity design. *J.R. Stat. Soc. A*, 179: 831–846. <https://doi.org/10.1111/rssa.12142>.

²² Daphne Duret and Weihua Li, "It's Not Just a Police Problem, Americans Are Opting Out of Government Jobs," The Marshall Project, January 2023, <https://www.themarshallproject.org/2023/01/21/police-hiring-government-jobs-decline>.

²³ Simone Weichselbaum, "Desperate for Recruits, Police Consider Non-Citizens," The Marshall Project, February 2019, <https://www.themarshallproject.org/2019/02/14/desperate-for-recruits-police-consider-non-citizens>.

²⁴ Zahra Hankir, "Immigrants are reviving Paterson, N.J., from its difficult past," Los Angeles Times, September 2019, <https://www.latimes.com/world-nation/story/2019-09-25/immigrants-are-reviving-south-paterson-n-j-from-its-difficult-past>.

²⁵ Tobias Salinger, "Hero grad student describes catching Stanford rapist: 'The guy stood up then we saw she wasn't moving,'" New York Daily News, June 2016, <https://www.nydailynews.com/news/crime/hero-grad-student-describes-catching-stanford-rapist-article-1.2664718>.

²⁶ Stuart Anderson, "The Immigrant Who Died Defending A Crime Victim," Forbes, 2018, <https://www.forbes.com/sites/stuartanderson/2018/11/02/the-immigrant-who-died-defending-a-rape-victim/?sh=3fc89a3c2c0d>.

²⁷ "Feidin Santana, Who Recorded Police Shooting Of Walter Scott, Speaks Out," NBC News, April 2015, <https://www.nbcnews.com/news/latino/feidin-santana-who-recorded-man-shot-police-officer-speaks-out-n338171>.

²⁸ CHARLES RABIN AND DAVID OVALLE, "Man who saved Miami officer: 'How could I not?'," Miami Herald, April 2015, <http://web.archive.org/web/20170318151546/http://www.miamiherald.com/news/local/crime/article18631896.html>.

²⁹ "Witness in New York Police Killings Passes Lie Detector Test, Leaves Town," AP News, September 1989, <https://apnews.com/article/db245e3b1b1b56708d004398c6f90c6c>.

Texas.³⁰ Another in New Mexico chased down a child abductor, returning a 6-year-old girl to her parents.³¹ It is not even uncommon. About 100,000 immigrants have obtained legal status through their cooperation with law enforcement over the last decade,³² and local agencies have more than 315,000 requests pending for unauthorized immigrants to receive status based on their cooperation with them right now.³³

Immigrants also lower crime indirectly. One important mechanism is by economically revitalizing neighborhoods. Based on data from the Census Bureau's Current Population Survey, immigrants increase State and local tax revenues by over \$250 billion per year—52 percent higher than the benefits that they receive and a net fiscal contribution of tens of billions annually.³⁴ Tax revenue from new arrivals allows cities to expand police forces, clean up streets, and make other improvements that lower crime. Research published in the *Journal of Criminal Justice* has shown that just filling abandoned buildings makes residents less likely to commit crimes.³⁵ Over the last two decades, refugees and asylum seekers went into the lower-cost and higher-crime West Side of Buffalo, for example. They took over vacant lots and businesses, and crime fell there by 70 percent.³⁶

This point is worth reemphasizing: immigrants have just as much of a stake in safe communities as Americans. When immigrants do commit crimes, their victims are usually other immigrants.³⁷ If we want to root out the bad apples, we should want to create policies that make it easier for immigrants to cooperate with law enforcement. That means providing a path to citizenship for law-abiding immigrants, and assuring that future immigrants have a lawful way to enter and reside in this country.

IMMIGRANTS ARE NOT DRIVING THE FENTANYL CRISIS

The committee is right to pay particular attention to the scourge of fentanyl overdoses. But immigrants are not the cause. Fentanyl trafficking is funded by fentanyl consumers, and nearly 99 percent of the users are U.S. citizens.³⁸ It is not surprising that research has shown that “increases in immigration are associated with significantly lower homicide and lower overdose death rates overall and across substance type.”³⁹

U.S. citizens are also the primary smugglers of fentanyl. In 2021, they made up 86 percent of convicted fentanyl traffickers.⁴⁰ Cartels employ U.S. citizen traffickers because smuggling is significantly easier at ports of entry than between them, and U.S. citizens have legal access to the United States and are subject to less scrutiny at ports of entry.

For this reason, from fiscal year 2019 to January 2023, 93 percent of fentanyl seizures by Customs and Border Protection (CBP) have occurred at ports of entry or vehicle checkpoints, not along illegal migration routes.⁴¹ The graph below provides a more detailed breakdown of the location of fentanyl seizures for fiscal year 2023 (as of January). CBP officers at U.S.-Mexico ports of entry have seized 8,165 pounds of fentanyl so far this year (94 percent). But of the 6 percent seized by Border Pa-

³⁰ David Bier, “Donald Trump Is Wrong—Immigrants Don’t Commit More Crimes,” *Time*, September 2016, <https://time.com/4509413/presidential-debate-donald-trump-immigration/>.

³¹ Jeri Clausing, “Man who saved girl says he’s illegal immigrant,” *NBC News*, August 2011, <https://www.nbcnews.com/id/wbna44206940>.

³² There is an annual cap of 10,000 U visas.

³³ “Number of Service-wide Forms Fiscal Year To Date,” USCIS, October 2022, https://www.uscis.gov/sites/default/files/document/data/Quarterly_All_Forms_FY2022_Q4.pdf.

³⁴ “Current Population Survey,” Census Bureau, 2018.

³⁵ “ABANDONED BUILDINGS: MAGNETS FOR CRIME?,” DOJ, 1993, <https://www.ojp.gov/ncjrs/virtual-library/abstracts/abandoned-buildings-magnets-crime>.

³⁶ Emma Sapon, “Bangladeshis transforming Buffalo, one block at a time,” *The Buffalo News*, December 2015, <http://web.archive.org/web/20160305082034/>, <https://buffalonews.com/city-region/east-side/bangladeshis-transforming-buffalo-one-block-at-a-time-20151212/>.

³⁷ “The Gang Murders in the Long Island Suburbs,” *New York Times*, July 2017, <https://www.nytimes.com/2017/07/12/nyregion/ms-13-murders-long-island.html>.

³⁸ Altekruze SF, Cosgrove CM, Altekruze WC, Jenkins RA, Blanco C. Socioeconomic risk factors for fatal opioid overdoses in the United States: Findings from the Mortality Disparities in American Communities Study (MDAC). *PLoS One*. 2020 Jan 17;15(1):e0227966. doi: 10.1371/journal.pone.0227966. PMID: 31951640; PMCID: PMC6968850.

³⁹ Ben Feldmeyer, Diana Sun, Casey T. Harris, Francis T. Cullen, “More immigrants, less death: An analysis of immigration effects on county-level drug overdose deaths, 2000–2015,” *Criminology*, September 2022, <https://onlinelibrary.wiley.com/doi/pdf/10.1111/1745-9125.12318>.

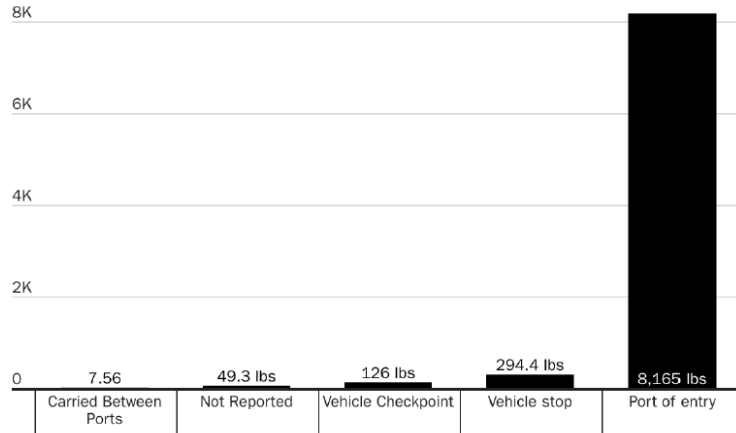
⁴⁰ David J. Bier, “Fentanyl Is Smuggled for U.S. Citizens By U.S. Citizens, Not Asylum Seekers,” *Cato Institute*, September 2022, <https://www.cato.org/blog/fentanyl-smuggled-us-citizens-us-citizens-not-asylum-seekers>.

⁴¹ CBP, “Drug Seizure Statistics fiscal year 2023,” February 2023, <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>.

trol, at least 88 percent of this was seized from vehicles at checkpoints or at traffic stops. Far less than 1 percent of all CBP's seizures were carried across the border.

Customs and Border Protection Fentanyl Seizures by Type

Southwest Border, Fiscal Year 2023 (as of January 31, 2023)



Sources: Customs and Border Protection, "CBP Enforcement Statistics Fiscal Year 2023," February 10, 2023; CBP, "Drug Seizure Statistics FY2023," February 8, 2023; CBP, "Border Patrol Seizes \$4 Million in Narcotics in One Day," January 27, 2023; CBP, "Border Patrol Agents Seize Over \$500,000 Worth of Fentanyl," October 19, 2022; CBP, "Del Rio Sector Agents Seize over \$100,000 in Mixed Narcotics," October 24, 2022; Chief Agent Gloria I. Chavez, Twitter, November 15, 2022; John Modlin, U.S. Border Patrol Chief TCA, Twitter, November 21, 2022.

Although CBP's data obviously does not include the fentanyl that escapes their detection—both at ports and between them—CBP's seizures provide a sample to estimate the rate at which people who evade detection are carrying fentanyl. Assuming that all fentanyl without a reported seizure location was carried over, Border Patrol still would have seized just one pound of fentanyl outside of vehicle searches for every 13,700 people that it has arrested crossing the border in fiscal year 2023.

CBP has not estimated the quantity of fentanyl successfully smuggled through ports of entry, but for several years, it has calculated the probability of seizure for cocaine at ports of entry. In 2020, it estimated that CBP seized just 2 percent of the cocaine entering the country at ports.⁴² Given its potency, significant amounts of fentanyl are even easier to conceal than cocaine. By contrast, CBP estimates that it interdicts a majority of the people crossing the border illegally.⁴³ Thus, it is more than 90 percent easier to enter the country legally with hard drugs than cross the border illegally with them.

The story that Border Patrol seizes less fentanyl because the agency cannot interdict drug smugglers is wrong. Rather, it seizes so much less because the economics dictate the location of fentanyl smuggling. By contrast, because marijuana is so bulky, pungent, and generally easier to detect, traffickers usually bring it around ports of entry.⁴⁴ The graph below shows how Border Patrol seizes far more marijuana smuggled between ports of entry than CBP at ports of entry, while the reverse is true for hard drugs that are easier to conceal.⁴⁵ The drug type determines

⁴² Department of Homeland Security, "Department of Homeland Security Border Security Metrics Report: 2021," April 2022, https://www.dhs.gov/sites/default/files/2022-06/2022_0427_plcy_border_security_metrics_reportFY2021_%282020_data%29.pdf.

⁴³ Department of Homeland Security, "Department of Homeland Security Border Security Metrics Report: 2021," April 2022, https://www.dhs.gov/sites/default/files/2022-06/2022_0427_plcy_border_security_metrics_report_FY2021_%282020_data%29.pdf.

⁴⁴ DEA, "2017 National Drug Threat Assessment," October 2017, https://www.dea.gov/sites/default/files/2018-07/DIR-040-17_2017-NDTA.pdf.

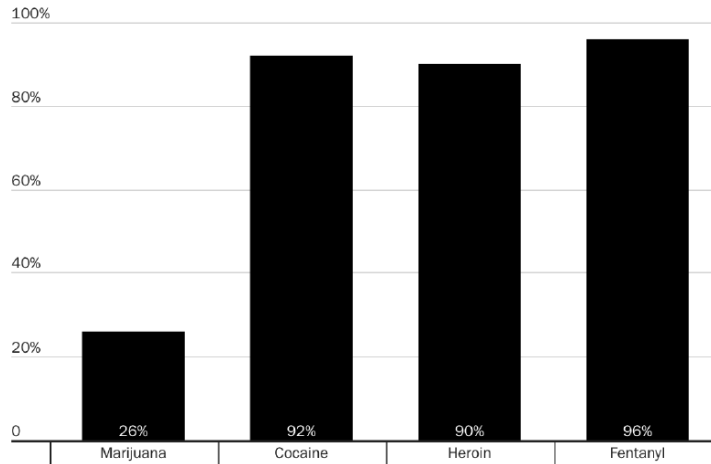
⁴⁵ David J. Bier, "How Legalizing Marijuana Is Securing the Border: The Border Wall, Drug Smuggling, and Lessons for Immigration Policy," Cato Institute, December 2018, <https://www.cato.org/publications/working-paper/2018/12/how-legalizing-marijuana-is-securing-the-border>.

Continued

the location of smuggling, which determines the location of seizures, not Border Patrol's inability to stop smugglers.

Customs and Border Protection Seizures at Ports or Vehicle Checkpoints

Southwest Border, Fiscal Year 2023 (as of January 31, 2023)



Sources: Customs and Border Protection, "CBP Enforcement Statistics Fiscal Year 2023," February 10, 2023; CBP, "Drug Seizure Statistics FY2023," February 8, 2023; CBP, "Enforcement Statistics," 2023.

Border Patrol also does not seize any more fentanyl when arrests fall. It is noteworthy that despite a 42 percent drop in arrests in January, Border Patrol seized almost no fentanyl (just 4 pounds) not at vehicle stops or checkpoints, the same amount as the prior month.⁴⁶

Qualitative assessments based on law enforcement intelligence also indicate that trafficking organizations understand that hard drugs are more easily smuggled through ports. The Drug Enforcement Administration's (DEA) National Drug Threat Assessment 2021 has said drug traffickers "exploit major highway routes for transportation and the most common method employed involves smuggling illicit drugs through U.S. POEs in passenger vehicles with concealed compartments or commingled with legitimate goods on tractor-trailers."⁴⁷ DEA testified that its investigations have found that "the vast majority of fentanyl is coming in the ports of entry."⁴⁸ CBP and other agencies have made similar assessments.⁴⁹ It is exactly because these ports of entry are both scarce and incredibly valuable that cartels war for control over them.⁵⁰

The reasons for the ease at which drugs enter through ports is multifaceted. Only 6 percent of commercial trucks and 1 percent of passenger vehicles are scanned for

www.cato.org/policy-analysis/how-legalizing-marijuana-securing-border-border-wall-drug-smuggling-lessons#less-marijuana-smuggling.

⁴⁶ Customs and Border Protection, "CBP Enforcement Statistics Fiscal Year 2023," February 10, 2023; CBP, "Drug Seizure Statistics FY2023," February 8, 2023; CBP, "Border Patrol Seizes \$4 Million in Narcotics in One Day," January 27, 2023; CBP, "Border Patrol Agents Seize Over \$500,000 Worth of Fentanyl," October 19, 2022; CBP, "Del Rio Sector Agents Seize over \$100,000 in Mixed Narcotics," October 24, 2022; Chief Agent Gloria I. Chavez, Twitter, November 15, 2022; John Modlin, U.S. Border Patrol Chief TCA, Twitter, November 21, 2022.

⁴⁷ DEA, "2020 National Drug Threat Assessment," March 2021, <https://www.dea.gov/sites/default/files/2021-02/DIR-008-21%202020%20National%20Drug%20Threat%20Assessment%20WEB.pdf>.

⁴⁸ Foreign Relations Committee, "COUNTERING ILLICIT FENTANYL TRAFFICKING," February 2023, <https://www.foreign.senate.gov/hearings/countering-illicit-fentanyl-trafficking>.

⁴⁹ Senate Homeland Security and Governmental Affairs Committee, Subcommittee on Government Operations and Border Management, "Federal Government Perspective: Improving Security, Trade, and Travel Flows at the Southwest Border Ports of Entry," November 17, 2021, <https://www.hsgac.senate.gov/hearings/federal-government-perspective-improving-security-trade-and-travel-flows-at-the-southwest-border-ports-of-entry>.

⁵⁰ Salvador Rivera, "Murders pile up as cartels battle for control of Tijuana's drug-trafficking corridor," Border report, August 2022, <https://www.borderreport.com/immigration/border-crime/murders-pile-up-as-cartels-battle-for-control-of-tijuana-s-drug-trafficking-corridor/>.

any drugs.⁵¹ CBP reports of drug interdiction arrests indicate that it is most often the driver's behavior that tips off agents to conduct a search, meaning that interdiction is dependent on a factor almost entirely outside of the agency's control.⁵² The motivation for traffickers to innovate to evade detection is much stronger than the motivation to innovate to detect drugs crossing, which results in increasingly sophisticated smuggling techniques that quickly defeat interdiction efforts.

Even when a drug is easier to detect, the massive difference between the cost of production abroad and its value in the United States means that trafficking organizations can respond to greater interdiction simply by increasing production and smuggling more. From 2003 to 2009, for instance, Border Patrol more than doubled its staffing and built hundreds of miles of fences. As a result, Border Patrol marijuana seizures doubled, but cartels simply smuggled more to compensate, and the effort made no difference to the availability of Mexican marijuana in the United States.⁵³ In fact, the effort backfired. During Border Patrol's hiring surge, the potency of marijuana increased by 37 percent.⁵⁴

Fentanyl trafficking itself developed as a border-evasion measure to supply the market for heroin and other opioids. It had initially little natural demand because the fentanyl experience is so fundamentally different from heroin.⁵⁵ But fentanyl has 50 times the potency of heroin, which means that the same weight can supply 50 times as many consumers, creating a massive economic incentive for smugglers to prefer it to heroin.

Despite fentanyl's built-in economic advantage, it took the massive restriction in imports and travel during the pandemic—particularly the U.S. policy of limiting travel with Mexico—to force U.S.-Mexico border traffickers to shift from heroin to fentanyl. Within 2 months of the pandemic, fentanyl seizures overtook heroin by weight, and by the time the restrictions were lifted, fentanyl was accounting for over 90 percent of the seizures.

⁵¹Nick Miroff, Scott Higham, Steven Rich, Salwan Georges, and Erin Patrick O'Connor, "Cause of death: Washington faltered as fentanyl gripped America," *Washington Post*, 2022, <https://www.washingtonpost.com/investigations/interactive/2022/dea-fentanyl-failure/>.

⁵²Angelina Hicks and Alex Riggins, "Border Patrol seizes \$3.7M-worth of fentanyl hidden in truck near Campo," *San Diego Tribune*, 2022, <https://www.sandiegouniontribune.com/news/public-safety/story/2022-07-19/border-patrol-seize-3-7-million-pounds-of-fentanyl>.

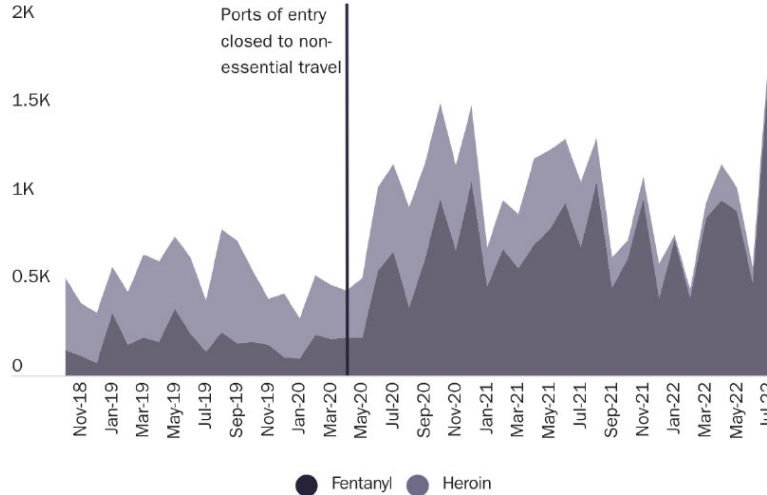
⁵³"Marijuana smuggling into the United States has occurred at consistently high levels over the past 10 years, primarily across the U.S.-Mexico border" <https://www.dea.gov/sites/default/files/2018-07/DIR-017-13%20NDTA%20Summary%20final.pdf>.

⁵⁴P. 12, <https://www.dea.gov/sites/default/files/2018-07/DIR-017-13%20NDTA%20Summary%20final.pdf>.

⁵⁵<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6114137/>.

Fentanyl smuggling became more prevalent after most legal travel was banned

Heroin and fentanyl seizures (lbs) at southwest ports of entry, October 2018-July 2022



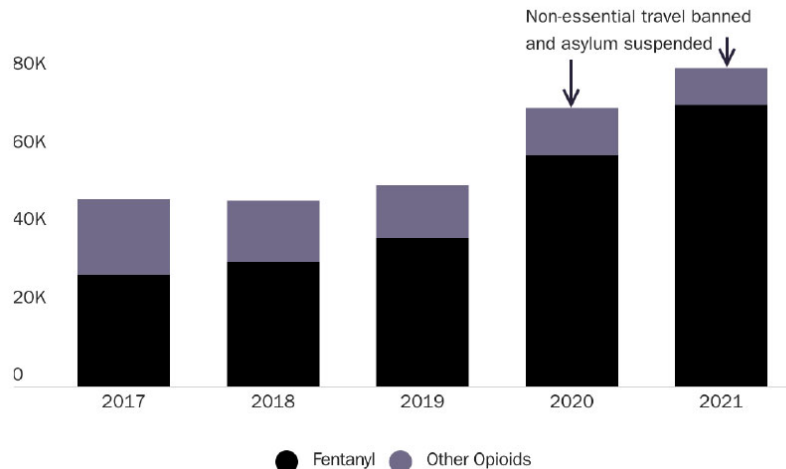
Sources: Customs and Border Protection, "Drug Seizure Statistics," 2022.

Tragically the shift toward fentanyl and away from heroin caused a spike in fentanyl deaths. From 2019 to 2021, fentanyl deaths nearly doubled as trade and travel were restricted with Mexico. Unfortunately, additional efforts to restrict the trade in fentanyl will likewise backfire. There are already synthetic opioids many times more powerful than fentanyl that cartels could switch toward if fentanyl trafficking becomes more difficult. For instance, the Tennessee Department of Health reported a four-fold increase in deaths in 2021 from Nitazenes—synthetic opioids 10 to 20 times more potent than fentanyl.⁵⁶

This process of enforcement increasing the potency of prohibited items is called the "Iron Law of Prohibition." It occurred under Alcohol Prohibition when liquor dominated wine and beer, and it has repeatedly played out under drug prohibition: Crack cocaine as a substitute for powdered cocaine, heroin as a substitute for prescription drugs, and fentanyl as a substitute for heroin. To stop drug deaths, policy makers must focus on demand, not supply.

⁵⁶Roberts A, Korona-Bailey J, Mukhopadhyay S. Notes from the Field: Nitazene-Related Deaths—Tennessee, 2019–2021. *MMWR Morb Mortal Wkly Rep* 2022;71:1196–1197. DOI: <http://dx.doi.org/10.15585/mmwr.mm7137a5>.

Deaths from overdoses on fentanyl and other opioids, 2017-2021



Sources: "Provisional Drug Overdose Death Counts," Centers for Disease Control and Prevention, 2022.

Note: 2021 data are underreported due to incomplete data. 12-month periods before each January.

The drug war and restrictive border policies have failed people with addictions and their families. Government should stop criminalizing drug users, which pushes them away from services that could help them, and Congress should legalize overdose prevention sites, places where people can intervene to reverse an overdose.⁵⁷ States should allow users to protect themselves against overdoses by legalizing fentanyl test strips, which most States criminalize as "drug paraphernalia."⁵⁸ Physicians should be empowered to treat addiction by weaning addicts off these potent drugs and by issuing at-home prescriptions for methadone.⁵⁹ These are all ideas that have worked in other countries to reduce deaths.⁶⁰

Restricting immigration also has another side benefit for drug cartels: they can charge immigrants to cross illegally into the United States.⁶¹ Two migrants in Tijuana were stoned to death and another shot for failing to pay a fee this week.⁶² Migrant smuggling has now become a \$13 billion industry.⁶³ The United States

⁵⁷ Jeffrey A. Singer, "Overdose Prevention Centers: A Successful Strategy for Preventing Death and Disease," Cato Institute, February 2023, https://www.cato.org/briefing-paper/overdose-prevention-centers-successful-strategy-preventing-death-disease?au_hash=4jaxl1ucCsJQ6Jr-B3YilVA9nAl4Whs3s425lPUjuKIM.

⁵⁸ Jeffrey A. Singer, "Fentanyl Test Strips Save Lives, Yet Most States Ban Them As 'Drug Paraphernalia'," Cato Institute, January 2023, <https://www.cato.org/blog/fentanyl-test-strips-save-lives-yet-most-states-ban-them-drug-paraphernalia>.

⁵⁹ Jeffrey A. Singer, "New Evidence That Take-Home Methadone Is Safe and Effective," Cato Institute, July 2022, <https://www.cato.org/blog/new-evidence-take-home-methadone-safe-effective>. Jeffrey A. Singer, "Harm Reduction: Shifting from a War on Drugs to a War on Drug-Related Deaths," Cato Institute, December 2018, <https://www.cato.org/policy-analysis/harm-reduction-shifting-war-drugs-war-drug-related-deaths>.

⁶⁰ Methadone is prescribed on a take-home basis by primary care providers since the 1960's in the United Kingdom, Australia, and Canada.

There are 147 overdose prevention centers in 91 locations in 16 countries, including Canada, Mexico, and Australia.

In Switzerland, heroin can be prescribed to treat addiction.

Portugal decriminalized drugs: Rebecca A. Clay, "How Portugal is solving its opioid problem," APA, October 2018, <https://www.apa.org/monitor/2018/10/portugal-oid>.

⁶¹ Christina Aguayo, "Border Patrol: Cartels cash in on billion-dollar human smuggling business," Border Report, October 2021, <https://www.borderreport.com/immigration/border-crime/border-patrol-cartels-cash-in-on-billion-dollar-human-smuggling-business/>.

⁶² Salvador Rivera, "2 migrants stoned to death by smugglers along border wall in Tijuana," Fox 5 San Diego, February 2023, <https://fox5sandiego.com/news/border-report/2-migrants-stoned-to-death-by-smugglers-along-border-wall-in-tijuana/amp/>.

⁶³ "Smuggling Migrants at the Border Now a Million Dollar Business," New York Times, July 2022, <https://www.nytimes.com/2022/07/25/us/migrant-smuggling-evolution.html>.

could immediately remove this profit from the cartels by creating legal ways to enter the country.

RESTRICTIVE BORDER POLICIES CREATE CHAOS

Because nearly all potential immigrants have no legal pathway to enter the United States, it is no surprise that many choose to cross illegally. For many countries, the only ticket out poverty is a ticket to the United States. For instance, 92.7 percent of people born in Haiti who live above the developed world poverty line live in the United States.⁶⁴ Immigration reduces poverty because U.S. free institutions and technology allow immigrants to be far more productive here than in their home countries. If America is the best hope to live a free and dignified life, immigration will continue regardless of the laws on the books. Congress should focus on channeling immigrants toward lawful ways to enter rather than swim upstream against the law of supply and demand.

Restrictive border policies have only created more problems. Since at least the Border Patrol's 1994 Strategic Plan, Border Patrol has made an intentional effort to drive cross-border traffic out of urban areas and into more rural areas where it is more hazardous to cross.⁶⁵ Following this shift, the Government Accountability Office (GAO) found that "the strategy has resulted in an increase in deaths from exposure to either heat or cold."⁶⁶ As a result of this deliberate and on-going strategy, more migrants are crossing the border in perilous conditions and straining in rural hospitals, as the committee will hear about today.

The border walls have greatly exacerbated the risks. The Mexican government has found that border walls or fences were responsible for 80 percent of injuries by border-crossing Mexicans returned by the United States last year.⁶⁷ In 2021, trauma surgeons in California found themselves overwhelmed with the hundreds of wall-related injuries, which increased by 460 percent following the wall construction.⁶⁸

The last administration constructed a wall so high that rather than merely increasing the risk of capture for immigrants, it significantly increased the risk of death. The 30-foot height was reportedly based on field tests to determine the height at which the average person would become disoriented and stop climbing.⁶⁹ But even lower fences are a danger. A pregnant woman died from falling from an 18-foot fence in 2020.⁷⁰ A number of those injured have been in Yuma, Arizona, including two men who died in 2020 and 2021.⁷¹ In 2018, two teenage girls also suffered life-threatening injuries after falling from the Yuma fence.⁷²

At least 28 deaths have occurred from fence falls from 2019 to 2022.⁷³ But by pushing immigrants out into even more remote areas, the wall can also indirectly cause more deaths. A total of 853 immigrants died crossing the border in 2022—

⁶⁴ David J. Bier, "Immigrating to the U.S. Is The Main Way To Escape Poverty in Dozens of Countries," Cato Institute, February 2023, <https://www.cato.org/blog/immigrating-us-main-way-escape-poverty-dozens-countries>.

⁶⁵ "Border Patrol Strategic Plan 1994 and Beyond," Immigration and Naturalization Service, February 2023, <https://www.documentcloud.org/documents/355856-border-patrol-strategic-plan-1994-and-beyond>.

⁶⁶ "INS' Southwest Border Strategy: Resource and Impact Issues Remain After Seven Years," GAO, August 2001, <https://www.gao.gov/assets/gao-01-842.pdf>.

⁶⁷ Salvador Rivera, "Taller border wall has led to more migrant deaths and injuries, Mexican diplomat says," Border Report, January 2023, <https://www.borderreport.com/immigration/the-border-wall/taller-border-wall-has-led-to-more-migrant-deaths-and-injuries-mexican-diplomat-says/>.

⁶⁸ Liepert AE, Berndtson AE, Hill LL, et al. Association of 30-ft U.S.-Mexico Border Wall in San Diego With Increased Migrant Deaths, Trauma Center Admissions, and Injury Severity. *JAMA Surg.* 2022;157(7):633–635. doi:10.1001/jamasurg.2022.1885.

⁶⁹ "Opinion: Border walls lead to injuries and death. It's a sinister way to enforce immigration laws," San Diego Union Tribune, April 2022, <https://www.sandiegouniontribune.com/opinion/commentary/story/2022-04-29/border-wall-death-immigration-laws>.

⁷⁰ Nick Miroff, "Pregnant Woman Dies after Falling from Border Wall," Washington Post, March 2020, https://www.washingtonpost.com/immigration/pregnant-woman-dies-border-wall/2020/03/12/8519752a-647b-11ea-912d-d98032ec8e25_story.html.

⁷¹ RICHARD MONTENEGRO BROWN AND JULIO MORALES, "Border Wall Falls Claim Two Lives in Imperial County Two Days Apart," Calexico Chronicle, September 2021, <https://calexichronicle.com/2021/09/10/border-wall-falls-claim-two-lives-in-imperial-county-two-days-apart/>.

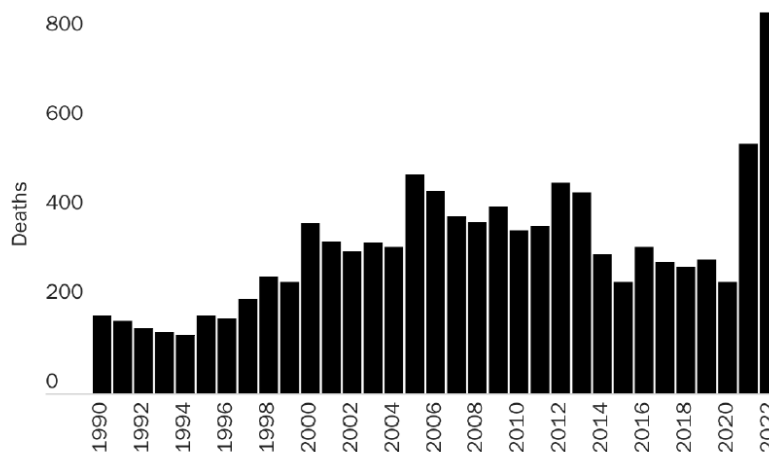
⁷² Jennifer Lothspeich, "2 migrant teens severely injured after fall off border wall near Yuma," CBS8, December 2018, <https://www.cbs8.com/amp/article/news/2-migrant-teens-severely-injured-after-fall-off-border-wall-near-yuma/509-4333071a-7790-4d2c-bf23-75b07d442619>.

⁷³ "Border Militarization," Southern Border, February 2023, https://www.southernborder.org/border_lens_border_militarization#target.

the most on record.⁷⁴ This topped the prior record of 560 deaths in 2021.⁷⁵ About 60 deaths in 2022 were in Yuma County, Arizona.⁷⁶ In 2021, Border Patrol reported that it rescued 12,578 people in serious physical distress, triple the number in 2018.⁷⁷ Since 1990, when the first fences were built in San Diego, Border Patrol has recorded almost 11,000 deaths,⁷⁸ and independent auditing of its count by the Government Accountability Office has found that Border Patrol systematically undercounts migrants deaths, excluding—for instance—half the migrant deaths in Tucson, Arizona, which are tracked by local authorities.⁷⁹

Deaths of migrants recorded by Border Patrol

1990-2022



Sources: Customs and Border Protection, "Border Rescues and Mortality Data," 2022; Border Patrol, "Southwest Border Deaths By Fiscal Year," 2022; Camilo Montoya-Galvez, "[At least 853 migrants died crossing the U.S.-Mexico border in past 12 months — a record high](#)," CBS News, 2022.

⁷⁴ CAMILO MONTOKA-GALVEZ, "At least 853 migrants died crossing the U.S.-Mexico border in past 12 months—a record high," CBS, October 2022, <https://www.cbsnews.com/news/migrant-deaths-crossing-us-mexico-border-2022-record-high/>.

Jeanna Vazquez and Scott LaFee, "Study: Unprecedented Increase in Number of Border Wall Falls and Trauma," UC San Diego Health, April 2022, <https://health.ucsd.edu/news/releases/pages/2022-04-29-study-unprecedented-increase-in-number-of-border-wall-falls-and-trauma.aspx#:text=At%20UC%20San%20Diego%20Health%2C%20there%20were%2067%20cases%20of%2019%20to%2016%20since%20then.>

⁷⁵ Joel Rose and Marisa Peñaloza, "Migrant deaths at the U.S.-Mexico border hit a record high, in part due to drownings," NPR, September 2022, <https://www.npr.org/2022/09/29/1125638107/migrant-deaths-us-mexico-border-record-drownings#:text=More%20than%205-60%20migrants%20died%20border%20are%20largely%20to%20blame.>

⁷⁶ Adam Klepp, "SPECIAL REPORT: Tracking every migrant death in Yuma County," KYMA, October 2022, <https://kyma.com/news/2022/10/26/special-report-tracking-every-migrant-death-in-yuma-county/>.

⁷⁷ "Border Rescues and Mortality Data," CBP, February 2022, <https://www.cbp.gov/newsroom/stats/border-rescues-and-mortality-data>.

⁷⁸ "U.S. Border Patrol Southwest Border Sectors Deaths by Fiscal Year," CBP, March 2019, <https://www.cbp.gov/sites/default/files/assets/documents/2019-Mar/bp-southwest-border-sector-deaths-fy1998-fy2018.pdf>. "Illegal Immigration," GAO, August 2006, <https://www.gao.gov/new.items/d06770.pdf>. "Border Rescues and Mortality Data," CBP, February 2022, [https://www.cbp.gov/newsroom/stats/border-rescues-and-mortality-data#:text=In%20FY%202021-%2C%20CBP%20components,in%20Custody%20\(Not%20Reportable\).](https://www.cbp.gov/newsroom/stats/border-rescues-and-mortality-data#:text=In%20FY%202021-%2C%20CBP%20components,in%20Custody%20(Not%20Reportable).)

⁷⁹ "Southwest Border: CBP Should Improve Data Collection, Reporting, and Evaluation for the Missing Migrant Program," GAO, April 2022, <https://www.gao.gov/products/gao-22-105053>. "Border Rescues and Mortality Data," CBP, February 2022, <https://www.cbp.gov/newsroom/stats/border-rescues-and-mortality-data>. "U.S. Border Patrol Southwest Border Sectors Deaths by Fiscal Year," CBP, March 2019, <https://www.cbp.gov/sites/default/files/assets/documents/2019-Mar/bp-southwest-border-sector-deaths-fy1998-fy2018.pdf>. "Illegal Immigration," GAO, August 2006, <https://www.gao.gov/new.items/d06770.pdf>.

The inability to board lawful transportation options to the U.S. border creates treacherous conditions for travelers. The combination of homelessness and governmental indifference toward crimes against migrants in Mexico has created the ideal environment for all manner of predation. Abductions of migrants number in the tens of thousands annually, according to Mexico's National Human Rights Commission.⁸⁰ Rapes of migrant women in Mexico are common, underreported, and rarely investigated.⁸¹ All these factors mean that many migrants cross in need of urgent medical attention, and Border Patrol policies force them to cross in areas with the fewest resources.

It is not just taxing for local hospitals. The Border Patrol's 1994 Strategic Plan treats the lack of transportation infrastructure in rural areas as a reason to push traffic there.⁸² But when Border Patrol releases asylum seekers in small towns along the border, it can take days for them to get a bus to their final destinations. The lack of buses led to a backup of migrants with nowhere to live and forced Yuma's mayor to declare a state of emergency.⁸³ If immigrants could enter legally, they could line up transportation in advance, travel directly to their final destinations, and fix this issue.

The mere fact that a person entered illegally means that Border Patrol must take them into custody for processing. When capacity is reached, they end up unexpectedly releasing migrants onto the streets—often at night with no warning and no transportation lined up.⁸⁴ These types of releases have occurred under every administration.⁸⁵ Sometimes pregnant women or nursing mothers are forced to sleep on the streets.⁸⁶ These are all avoidable problems if legal migration pathways were available.

Another problem is of greater importance to localities: the inability for people to work legally after their release from Border Patrol custody.⁸⁷ Although asylum seekers are eligible to receive employment authorization documents 6 months after applying for asylum, this process can often take much longer, given the time it takes to prepare an asylum application and the time to process the employment authorization request.⁸⁸ The mayor of New York City has labeled this one of the most urgent immigration issues facing his city.⁸⁹ Research has found that banning asylum seekers from working has negative employment effects long after the ban is lifted.⁹⁰ Lacking the right to work, asylum seekers must often either work illegally or depend on charity or city services.

⁸⁰ "IOM and Mexico's National Human Rights Commission Sign Cooperation Agreement to Fight Human Trafficking and the Kidnapping of Migrants in Mexico," IOM, September 2010, <https://www.iom.int/news/iom-and-mexicos-national-human-rights-commission-sign-cooperation-agreement-fight-human-trafficking-and-kidnapping-migrants-mexico>.

⁸¹ "Mexico: Invisible victims. Migrants on the move in Mexico," Amnesty International, April 2010, <https://www.amnesty.org/en/documents/amr41/014/2010/en/>.

⁸² "Border Patrol Strategic Plan 1994 and Beyond," Borderdom Productions, February 2023, <https://www.documentcloud.org/documents/355856-border-patrol-strategic-plan-1994-and-beyond>.

⁸³ Alicia Caldwell, "Yuma, Ariz., Declares State of Emergency Over Migrant Crisis," Wall Street Journal, April 2019, <https://www.wsj.com/articles/yuma-ariz-declares-state-of-emergency-over-migrant-crisis-11555534393>.

⁸⁴ Alan Gomez, "Local governments spend millions caring for migrants dumped by Trump's Border Patrol," USA Today, September 2019, <https://www.usatoday.com/in-depth/news/nation/2019/09/23/border-crisis-trump-administration-real-cost-tax-money/1739727001/>.

⁸⁵ Cora Currier, "HOW A CALIFORNIA COMMUNITY HELPED HUNDREDS OF MIGRANTS THE BORDER PATROL DROPPED AT A GREYHOUND STATION," The Intercept, June 2019, <https://theintercept.com/2019/06/01/border-patrol-migrants-greyhound-bus-station/>.

⁸⁶ "Migrants inundating San Antonio bus station," Express News, March 2019, <https://www.expressnews.com/news/local/article/migrants-inundating-San-Antonio-bus-station-13727999.php>.

⁸⁷ "At Least Let Them Work", The Denial of Work Authorization and Assistance for Asylum Seekers in the United States," Human Rights Watch, November 2013, <https://www.hrw.org/report/2013/11/12/least-let-them-work/denial-work-authorization-and-assistance-asylum-seekers-united>.

⁸⁸ "Historical National Median Processing Time (in Months) for All USCIS Offices for Select Forms By Fiscal Year Fiscal Year 2018 to 2023 (up to January 31, 2023)," USCIS, February 2023, <https://egov.uscis.gov/processing-times/historic-pt>.

⁸⁹ Berndatte Hogan, "Eric Adams wants to put thousands of migrants to work in New York," New York Post, September 2022, <https://nypost.com/2022/09/13/eric-adams-wants-to-put-southern-border-migrants-to-work-in-ny/>.

⁹⁰ Francesco Fasani, Tommaso Frattini, and Luigi Minale, "Lift the Ban? Initial Employment Restrictions and Refugee Labor Market Outcomes," Cato Institute, November 2020, <https://www.cato.org/publications/research-briefs-economic-policy/lift-ban-initial-employment-restrictions-refugee-labor>.

RESTRICTING ASYLUM IS NOT A SOLUTION

Title 42 and restrictions on applying for asylum also creates additional health hazards for migrants. Returning migrants to Mexico has created a flow of migrants more in need of medical attention because the policy alerts criminals in Mexico to the fact that they may have U.S. connections. When they recross the border, these victims often need health care. Human Rights First has tracked over 13,000 publicly-reported murder, torture, kidnapping, rape, and other violent attacks on migrants and asylum seekers returned to Mexico in the last 2 years alone.⁹¹

Migrants who seek asylum generally turn themselves into Border Patrol, avoiding more dangerous crossings in remote areas and making them easier to process. Evasion leads to more deaths and injuries in remote areas. Also, smugglers (usually U.S. citizens) sometimes drive recklessly to avoid the Border Patrol and risk the lives of the passengers, and bystanders, leading to more hospital trips.⁹² At least 93 people have died during Border Patrol pursuits since 2010.⁹³

The number of chases doubled from 150 in 2021 to 300 in 2022, and the number of deaths during pursuits increased from 2 in 2019 to 14 in 2021 and 22 in 2022.⁹⁴ From 2015 to 2018, there were about 11 injuries for every death resulting from Border Patrol chases, implying that hundreds of people have been injured across the border in the last 2 year in this way.⁹⁵ Smugglers also abandon migrants in deserts where they can need to be airlifted to hospitals.⁹⁶

Anti-asylum policies are not just bad for the safety of immigrants and residents—they are also bad for security. Since Border Patrol initiated the Title 42 policy that banned asylum for most crossers, evasion almost immediately exploded. The number of gotaways—detected successful crossings—grew four-fold from calendar year 2019 to 2022. The country has seen more crossings, more arrests, more illicit entries, and less security under the anti-asylum policy of the last 3 years.

⁹¹ “TITLE 42: ‘HUMAN RIGHTS STAIN, PUBLIC HEALTH FARCE,’” Human Rights First, December 2022, <https://humanrightsfirst.org/library/title-42-human-rights-stain-public-health-farce/>.

⁹² Rafael Carranza, “Human smuggling attempt leads border agents on chase, ends in crash and barricade in Yuma,” AZCentral, November 2019, <https://www.azcentral.com/story/news/politics/border-issues/2019/11/22/smuggling-attempt-ends-chase-barricade/4271538002/>.

⁹³ Cindy Ramirez, “‘Severity of crime’ must be considered in Border Patrol pursuits,” El Paso Matters, January 2023, <https://elpasomatters.org/2023/01/24/border-patrol-vehicle-pursuit-policy-goes-into-effect-in-may/>.

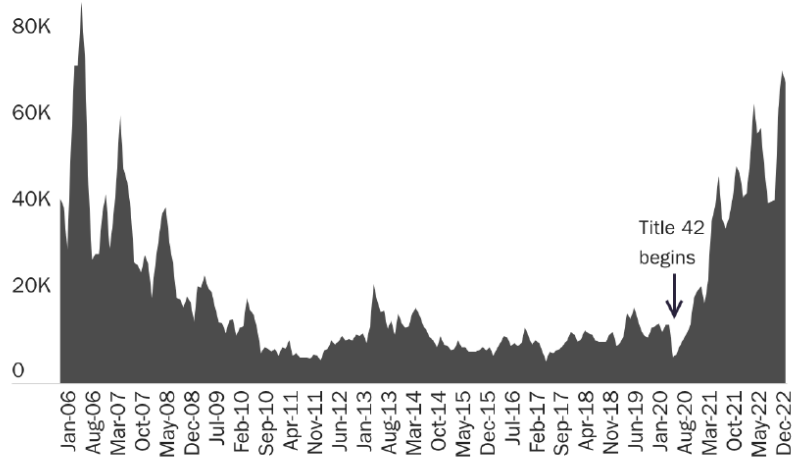
⁹⁴ “Fact Sheet: The Deadly Trend of Border Patrol Vehicle Pursuits,” ACLU Texas, February 2023, <https://www.aclutx.org/en/fact-sheet-deadly-trend-border-patrol-vehicle-pursuits>.

⁹⁵ Kavitha Surana, Brittney Mejia, James Queally, and Agnes Chang, “Trapped in a Deadly Chase,” ProPublica, April 2019, <https://features.propublica.org/border-crashes/death-injuries-in-high-speed-border-patrol-chases/>.

⁹⁶ Christina Aguayo, “Border Patrol: Cartels cash in on billion-dollar human smuggling business,” Border Report, October 2021, <https://www.borderreport.com/immigration/border-crime/border-patrol-cartels-cash-in-on-billion-dollar-human-smuggling-business/>.

Title 42 has led to more successful illegal crossings

Border Patrol known "gotaways," Oct. 2005-Dec. 2022



Sources: Cato Institute, Customs and Border Protection via Freedom of Information Act request; Fox News, Dec. 2022; Fox News, Oct. 2022; Fox News, Jan. 2023 (annual data for 2022 interpolated to individual months based on single adult apprehensions).

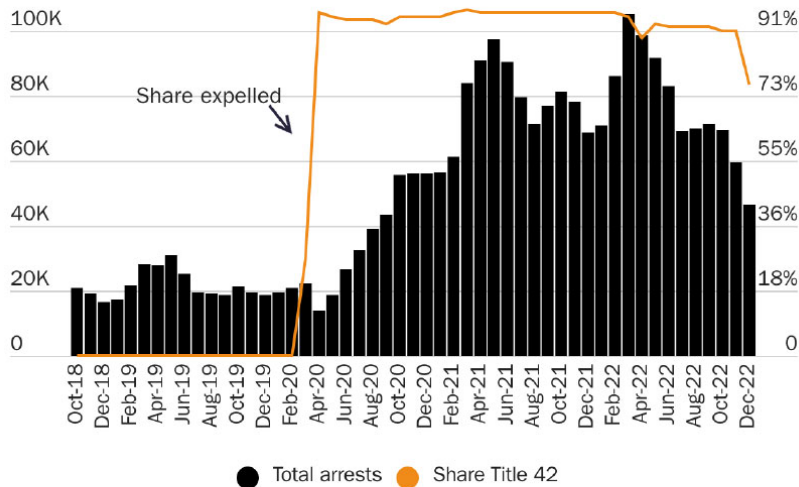
A major reason for this change is that when someone is returned to Mexico—and not processed for asylum or returned to their home country—they have little choice but to attempt to reenter illegally. The recidivism or re-encounter rate started to spike under the Remain in Mexico policy, which sent people back to wait for hearings. That policy had a lifetime re-encounter rate of 33 percent (as of June 2021).⁹⁷ Under Title 42, the situation deteriorated further with a 1-year re-encounter rate exceeding 50 percent in 2021.⁹⁸

Nor is this due to insufficient enforcement of Title 42. In fact, Title 42 has encouraged more crossings. Encounters of the demographic group most targeted under Title 42—single adults from the Northern Triangle and Mexico—have increased four-fold, even though they have been expelled more than 90 percent of the time.

⁹⁷ "Explanation of the Decision to Terminate the Migrant Protection Protocols," DHS, October 2021, https://www.dhs.gov/sites/default/files/2022-01/21_1029_mpp-termination-justification-memo-508.pdf.

⁹⁸ Sean Leong, "Immigration Enforcement Actions: 2021," DHS, November 2022, https://www.dhs.gov/sites/default/files/2022-12/2022_1114_plcy_enforcement_actions_fy2021.pdf.

Single adults from the Northern Triangle and Mexico, share expelled,
Oct. 2018-Oct. 2022



Sources: Customs and Border Protection, "Nationwide Encounters," 2022.

Notes: "Single adults" = adults traveling without their children. "N. Triangle" = Honduras, El Salvador, and Guatemala.

Although Border Patrol certainly does encounter some genuine threats, asylum provides agents with a mechanism to sort out those with nothing to hide.⁹⁹ It would be better if asylum seekers were processed at ports of entry where they could enter legally, but it is important to understand the full context for the Border Patrol resources available relative to the flows. Even with the massive increase in arrests under Title 42, each Border Patrol agent averaged fewer than 1 arrest every 3 days in 2022.¹⁰⁰ As the graph below shows, the extremely low rates of arrests per Border Patrol agent from 2009 to 2020 were a departure from the norm for the period since 1965.

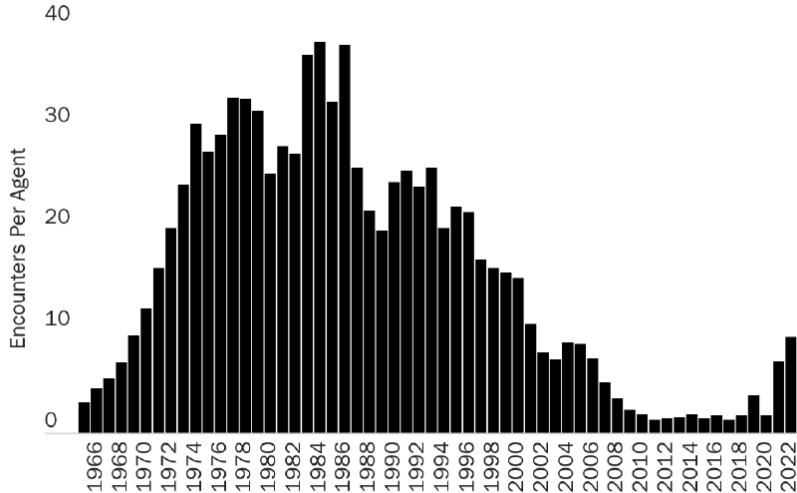
⁹⁹ See for example: John Washington, "Border Patrol agents are trashing Sikh asylum-seekers' turbans," *Arizona Luminaria*, August 2022, <https://azluminaria.org/2022/08/02/border-patrol-agents-are-trashing-sikh-asylum-seekers-turbans/>.

¹⁰⁰ Encounters: "Nationwide Encounters," CBP, February 2023, <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

Staffing (2021): "On a Typical Day in Fiscal Year 2021, CBP . . .," CBP, May 2022, <https://www.cbp.gov/newsroom/stats/typical-day-fy2021#:text=Employed%2064%2C272%20men-%20and%20women,19%2C536%20Border%20Patrol%20agents>.

Border Patrol monthly average apprehensions per Border Patrol Agent

1965-2023



Sources: U.S. Border Patrol, "Nationwide Encounters Fiscal Years 1925 - 2020," 2020; Customs and Border Protection, "Nationwide Encounters," 2023; Border Patrol, "Border Patrol Agent Nationwide Staffing by Fiscal Year," 2020.

Legal pathways including asylum would allow Border Patrol to focus on true threats to Americans, but these threats should not be exaggerated. For instance, CBP has reported a dramatic increase in encounters whose information appears on the Terrorism Screening Dataset.¹⁰¹ There were 98 such encounters in 2022. According to nonpublic data obtained by the media, 93 percent of the terrorist database hits were for Colombians.¹⁰² These people could be former FARC revolutionaries, but the evidentiary bar for inclusion in this dataset is so low that it is impossible to conclude much from this statistic. CBP even says that the data include people supposedly associated with people supposedly associated with terrorist groups or activities.¹⁰³ As importantly, matches can occur based on biographic information like a person's name and date of birth, leading to numerous false positives. One false positive was reported in the media just this month.¹⁰⁴

Unlike Border Patrol, CBP ports of entry officers encounter thousands of people on the terrorist watch list every year.¹⁰⁵ It is telling that none of these encounters have produced any convictions for a plot to attack the United States.¹⁰⁶ In fact, over the last four decades, not a single American has died in a terrorist attack carried out by a person who entered the country illegally mainly because no such attack has ever occurred.¹⁰⁷ The threat of terrorism is not a reason to eliminate asylum,

¹⁰¹ "CBP Enforcement Statistics Fiscal Year 2023," CBP, February 2023, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

¹⁰² Anna Giaritelli, "Nearly 100 FBI terror watchlist suspects nabbed at southern border," Washington Examiner, October 2022, <https://www.washingtonexaminer.com/policy/defense-national-security/nearly-100-fbi-terror-watch-list-suspects-caught-southern-border>.

¹⁰³ "CBP Enforcement Statistics Fiscal Year 2023," CBP, February 2023, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

¹⁰⁴ Adam Shaw and Bill Melugin, "Iranian illegal immigrant caught at border not on terror watchlist after further vetting: DHS official," Fox News, February 2023, <https://www.foxnews.com/politics/iranian-illegal-immigrant-terror-watch-list-caught-southern-border-sources>.

¹⁰⁵ Justin Fishel and Luke Barr, "Fact Check: State Department says 'no credible evidence' terrorists entering through southern border," ABC News, January 2019, <https://abcnews.go.com/politics/fact-check-state-department-credible-evidence-terrorists-entering/story?id=60209995>.

¹⁰⁶ Alex Nowrasteh, "Terrorists Are Not Crossing the Mexican Border," Cato Institute, March 2021, <https://www.cato.org/blog/terrorists-are-not-crossing-mexican-border>.

¹⁰⁷ Alex Nowrasteh, "Terrorists by Immigration Status and Nationality: A Risk Analysis, 1975-2017," Cato Institute, May 2019, <https://www.cato.org/publications/policy-analysis/terrorists-immigration-status-nationality-risk-analysis-1975-2017>.

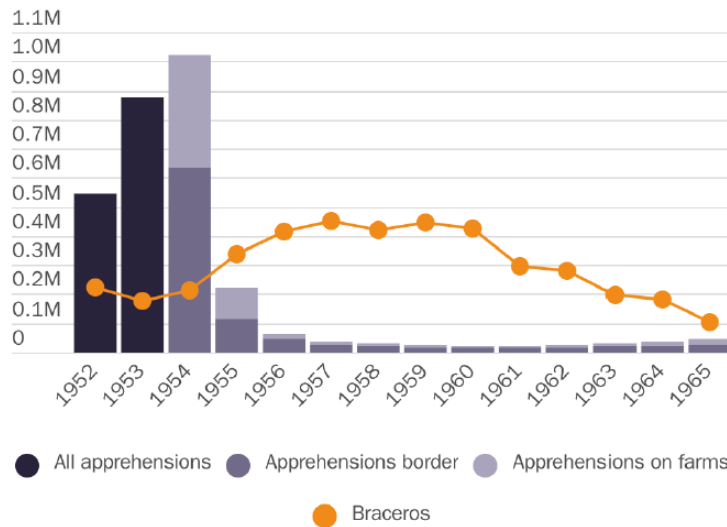
and the entities that needs more resources to deal with terror suspects is ports of entry, not Border Patrol stations.

ILLEGAL IMMIGRATION IS A POLICY CHOICE

Creating legal pathways for immigrants to live and work in the United States can restore Border Patrol's mission to one of national security, not managing peaceful migration. Legal pathways can dramatically reduce illegal immigration and related problems. Here are five examples:

1. The Bracero guest worker program from 1954 to 1965 was expanded to direct Mexican farm workers to enter the United States legally. The program reduced border apprehensions by more than the number of Braceros admitted legally because workers were willing to wait to come legally.¹⁰⁸

Bracero legal admissions and Border Patrol apprehensions of Mexicans



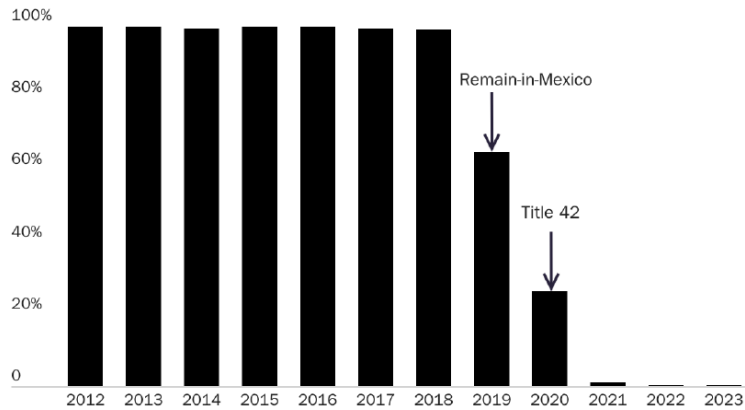
Sources: U.S. Department of State, "Annual Reports of the Visa Office," 1966–1996; U.S. Department of State, "Nonimmigrant Visa Statistics," 2022; and Congressional Research Service, *Temporary Worker Programs: Background and Issues* (Washington: Government Printing Office, 1980).

Note: "Apprehensions on farms" include all apprehensions of immigrants already working in the United States.

2. Wet Foot, Dry Foot as applied at U.S.-Mexico land ports of entry from 1995 to 2017 allowed tens of thousands of Cubans to enter the country legally with a status known as humanitarian parole, and the U.S.-Mexico border had almost no issue with Cubans crossing the border illegally. Remain-in-Mexico and Title 42 ended this policy, creating a massive illegal immigration problem by Cubans.¹⁰⁹

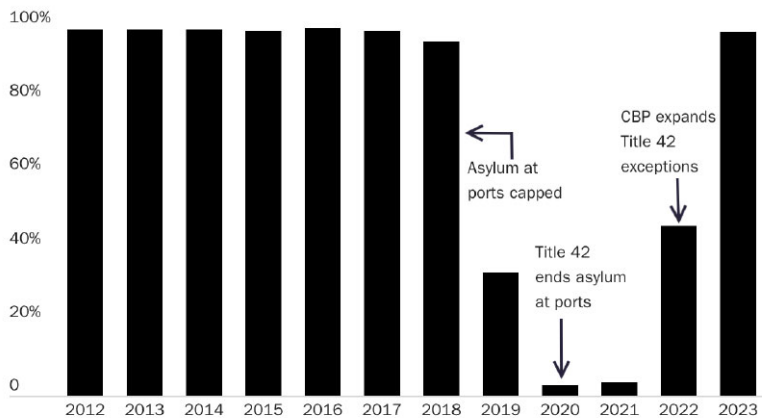
¹⁰⁸ David J. Bier, "How Guest Workers Affect Illegal Immigration," Cato Institute, December 2022, <https://www.cato.org/policy-analysis/how-guest-workers-affect-illegal-immigration#2-main-bracero-era-1954-1964-relative-visa-openness-strengthened-enforcement>.

¹⁰⁹ David J. Bier, "How the U.S. Created Cuban and Haitian Illegal Migration," Cato Institute, February 2022, <https://www.cato.org/blog/how-us-created-cuban-haitian-illegal-migration>.

Legal Share of Undocumented Cubans Processed at the U.S.-Mexico Border

Source: Customs and Border Protection, "Nationwide Encounters", 2022; CBP, "Southwest Border Inadmissibles by Field Office," 2017-2019.

3. Following the Earthquake in 2010, the United States stopped deporting Haitians, and U.S.-Mexico land ports of entry stopped detaining Haitians requesting asylum and let them enter legally into the United States. As a result, from 2010 to 2016, nearly all Haitians entered the country legally. In late 2016, CBP reversed the non-detention and non-removal policy, and in 2018, it covertly capped asylum requests at ports of entry, causing more to cross illegally. Title 42 ended all asylum at ports of entry, and nearly all Haitians entered illegally, culminating in the disaster in Del Rio when Haitians were trapped in a detention camp without food for weeks.¹¹⁰ In early 2022, CBP began processing Title 42 exception requests at ports of entry, and Haitians returned to entering the country legally as they had before.

Legal Share of Undocumented Haitians Processed at the U.S.-Mexico Border

Source: Customs and Border Protection, "Nationwide Encounters", 2022; CBP, "Southwest Border Inadmissibles by Field Office," 2017-2019.

4. Following the Russian invasion of Ukraine, Ukrainians began to show up at the U.S.-Mexico border by the tens of thousands. CBP granted them exceptions to the Title 42 policy and let them into the country legally. In May, it improved

¹¹⁰ "Report of Investigation," DHS, June 2022, <https://www.cbp.gov/sites/default/files/assets/documents/2022-Jul/202112280-cbp-closing-report-public-redacted-final.pdf>.

on this policy when it created the Uniting for Ukraine parole program, which has already allowed over 117,000 Ukrainians to fly directly to the United States if they lined up a U.S. financial sponsor.¹¹¹ This policy reduced the flow of Ukrainians to the U.S.-Mexico border by over 90 percent.

5. The administration recently created new parole programs modeled on the Uniting for Ukraine program for Venezuelans (in October 2022) and Nicaraguans, Cubans, and Haitians in January 2022. These programs have also diverted a substantial number of immigrants away from illegal immigration. Reuters reported in mid-January that Cubans “previously flocking to Nicaragua to head overland had largely changed strategies, many opting instead to try their luck with the parole program.”¹¹² Illegal entries from these four countries fell by 86 percent in a single month.¹¹³

In January 2023, CBP also rolled out its CBP One phone app that allows people to submit requests for an exception to the Title 42 ban on asylum at ports of entry. The app has had a temporary effect on the number of illegal crossings from countries other than those with the parole sponsorship program, but CBP has capped the number of Title 42 exceptions at such a low number that asylum seekers are already realizing that the app may not be a viable legal path for them.¹¹⁴ CBP should open more asylum appointments at ports of entry to reduce violations of the law.

Illegal immigration is a choice that policy makers select when they restrict lawful ways to enter the United States. Congress should work with the administration to expand on these successful initiatives to eliminate illegal immigration and help address the needs of communities across this country.

Chairman GREEN. Thank you, Mr. Bier. Members will be recognized by order of seniority for their 5 minutes of questioning. An additional round of questioning may be called for after all Members have been recognized.

I now recognize myself for 5 minutes of questions. Before I start, I just want to share a few things because it has been talked about this being a decades-long problem. It has been. There is no doubt there has been a problem. But in the entire previous administration’s 4 years, 2.4 million encounters and in just 2 years, we’ve had 4.7 million encounters, 1.2 million gotaways. I can do that math, 5.9 million people. Twenty-five States in the United States have populations less than 4.6 million. Let that number sink in.

The removal of the policies on Day 1, the Executive Orders that were written, and reversing policies implemented that solved many of this, or, you know, really began to solve this problem were done away with, and a surge of people came to our border. The drug cartels have taken advantage of the situation by the neutralizing effects that I talked about in my opening statement.

It was also mentioned earlier about the humanitarian problems from previous administrations. I remember sitting in this committee right over there when I was a freshman, and there was this big to-do about two migrant deaths. We weren’t in charge at that

¹¹¹ Julia Ainsley, “U.S. has admitted 271,000 Ukrainian refugees since Russian invasion, far above Biden’s goal of 100,000,” NBC News, February 2023, <https://www.nbcnews.com/politics/immigration/us-admits-271000-ukrainian-refugees-russia-invasion-biden-rcna72177>.

¹¹² Alexandre Meneghini and Dave Sherwood, “A Cuban fishing village ponders its options as U.S. policy shifts,” Reuters, February 2023, <https://www.reuters.com/world/americas/cuban-fishing-village-ponders-its-options-us-policy-shifts-2023-02-08/>.

¹¹³ David J. Bier and Alex Nowrasteh, “Biden’s Plan to End the Border Crisis Is Already Working,” The Daily Beast, February 2023, <https://www.thedailybeast.com/bidens-plan-to-end-the-border-crisis-is-already-working>.

¹¹⁴ Andrew Castillo, “Asylum seekers face decision to split up families or wait indefinitely under new border policy,” Los Angeles Times, February 2023, <https://www.latimes.com/politics/story/2023-02-24/asylum-seeking-families-consider-separation-shortage-mobile-app-appointments>.

“DEFENDANTS’ MONTHLY REPORT FOR THE MONTH OF DECEMBER PURSUANT TO THE COURT’S PRELIMINARY INJUNCTION,” UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF LOUISIANA LAFAYETTE DIVISION, January 2023, <https://storage.courtlistener.com/recap/gov.uscourts.lawd.188754/gov.uscourts.lawd.188754.174.0.pdf>.

time, but it was a big hullabaloo because there were two migrant deaths. Any death we should make a big deal out of it. In the past 2 years, under this administration's policies, under my Mayorkas' reckless behavior, reckless, you know, border policies, 1,400 migrants have died. Here's one just floating, floating in the river. Fourteen hundred, we talk about it was a humanitarian crisis in the previous administration. Nothing now? Fourteen hundred, over 1,400. Yes, this is Mayorkas' failure.

Mr. Lamb or Sheriff Lamb, I would like to start with you today. Mr. Bier was mentioning some statistics about who's carrying the drugs into the country. Those carpet shoes you showed earlier, do you think those are counted in his statistics? The video that I showed earlier of all—there's this parade of people carrying drugs into our country, are they counted in his statistics?

Sheriff LAMB. Mr. Chairman, no, sir. I find it comical that a lot of researchers and politicians like to tell us what's going on on the border, but they don't ever come down to the border to actually see it in person. We're telling you statistics that we see every day. Here's the remnants of it. This tells you everything you need to know. I've got thousands of these in hundreds of spots throughout my county.

Chairman GREEN. Those aren't in the statistics, and they're certainly not coming through the ports of entry, are they, Sheriff Lamb?

Sheriff LAMB. No, they are not coming through the ports of entry.

Chairman GREEN. Thank you. Rebecca, I really appreciate you being here and I know the difficulty of you being here. One of our fellow witnesses today, Sheriff Lamb, mentioned and talked about the flow of fentanyl. He's 55 miles from the border. You're in Michigan, I think, right? Quite a ways from the border. Do you mind elaborating a little bit on how it has impacted your community? I mean, you shared your story, but you are with other parents who have lost their children. Can you share the story of how it is impacting your community?

Ms. KIESSLING. Well, I'll tell you, in the support groups, you know, there have been some parents who have committed suicide, siblings who have. It's devastating families. It's been very difficult for my daughters. One daughter, she went off to Michigan State and came home after a semester. It was just too painful. Now she is attending in our hometown at Oakland University.

One of my son's friends was waiting tables at the same restaurant where my daughter was. I went to eat there last summer and he came up to me and he said that he had been friends with both my sons, but really good friends with Kyler. I remember they had worked together for a while. He told me that he got clean from drugs after my sons' deaths. He said he completely stopped doing marijuana, in fact, like he would he stopped doing any kind of drugs. He said, I want you to know that your sons' death started a movement in our home town.

He said so that when people show up with pills, they're ostracized and they're, you know, they're condemned, you know. But I think, you know, for how long? How many of the kids in the high schools now know about my sons' deaths?

Chairman GREEN. I now recognize the Ranking Member for his question.

Mr. THOMPSON. Thank you very much, Mr. Chairman. Ms. Kiessling, I am sure I express the sentiment of every Member on this committee about your tragic loss. I am a grandfather and it would be difficult for any loss for a child or grandchild.

So, Mr. Bier, there is a comment that our immigration system has been broken for many years. Is what we are seeing at the border now a consequence of that broken system? If it is, can you kind-of share your thoughts on it?

Mr. BIER. Absolutely it's a consequence of our broken legal immigration system. If people have a legal opportunity to come to this country, then they do not choose the illegal option. So what we're seeing at the border is a direct consequence of the decades-long restrictions on legal immigration and legal pathways to come to this country.

We have, for example, no year-round temporary work visa for people to come do year-round work in lower-skilled industries, and that is what is driving all of this. Ultimately, what funds smuggler fees and payments, what brings people to the border, whether they're seeking asylum or not, ultimately, the financing comes from jobs in the United States where there's economic demand for people. If we had a legal way to fill those jobs, we would not see the crisis that we're seeing at our Southern Border.

So we have countless examples of instances in which we have stopped illegal immigration by opening up legal channels. We did so in the 1950's with the Bracero guest worker program, which, despite its flaws, reduced the amount of illegal immigration by over 90 percent and kept it very low. It was done away with, and what replaced it was decades of illegal immigration to U.S. farms.

Mr. THOMPSON. Thank you much. You know, as I said in my opening statement, fixing our broken immigration system will not only help migrants fleeing persecution and poverty, but it will also help us manage our border human smuggling, put them out of business, free law enforcement to focus on drug smugglers, and strengthen our economy. I represent a predominantly agricultural district in Mississippi. The migrant labor force is a key to that economy staying healthy. If we can't create a system that allow those individuals to come, whether it is ginning cotton, whether it is picking, harvesting sweet potatoes or whatever, it is a challenge for our farmers.

So somewhere we need to put a system in place to make that happen. I look forward to working with this committee on trying to get that comprehensive immigration reform system put together.

Can you explain how more legal pathways to this country would be helpful not just to migrants, but to America?

Mr. BIER. Oh, absolutely. First of all, we are dealing with a significant inflation crisis in this country. The lost productivity that I talked about, the \$1 trillion in lost productivity from unfilled open jobs in this country over the last year would go a long way to reduce prices of goods and services across the economy. When employers can't fill positions, that is lost productivity that comes right out of consumers pockets.

So the most important economic phenomenon is the fact that we are turning away economic growth by turning away immigrants. If we want to fill these positions, if we want to expand growth, if we want to bring down inflation, one of the best ways to do so would be to have a legal immigration process for people to enter the country lawfully.

Of course, at our borders, we are seeing serious problems. There's no question there are issues at the border as a result of illegal immigration. But with a legal immigration platform for people to apply and cross legally, those problems would be greatly dissipated.

We talked about car chases that are injuring Americans. We're talking about recruitment of teenagers to take part in smuggling activities of persons. Those problems would also dissipate under a legal immigration system that actually worked and served the needs of American communities.

Mr. THOMPSON. OK. Well, if we go another round, I might have another question. I yield back.

Chairman GREEN. The gentleman yields back. I now recognize Chairman Higgins from Louisiana for 5 minutes of questioning.

Mr. HIGGINS. Thank you, Mr. Chairman. Mr. Chairman, it is nauseating to listen to some of this. It is really stunning. I don't know where they find these people that don't get it. Like breed these people in laboratory experiments or something. They are disconnected from reality.

It was just a couple of years ago we had the border under control. Whine on about broken immigration systems. What Western nation, who? Canada, France, Germany, Great Britain, Mexico? All of them have much more restrictive immigration programs and laws than the United States of America. We are the most generous, compassionate, wealthy Western nation in the world for immigration.

We want citizens of every land to come to this country legally. Our border is wide open and out of control and Americans are dying because of it.

I know Secretary Mayorkas is watching this or having his team of attorneys watch this. Good. Because over the course of the next year, this committee is going to lay out the case against you, sir.

If I could arrest you for violations of Louisiana revised statutes, I would. Louisiana Revised Statute 1432, negligent homicide. Louisiana Revised Statute 1424, principle to any criminal action. I would charge you with thousands of murders as principle, too. 18 U.S. Code 1001, you certainly knowingly and willfully lied to this body again and again and again about our border.

Section 242, Title 18, under color of law, you have deprived Americans of their very life, including this young lady. The picture behind me, that is Sami. She is just a little girl dead from fentanyl. It came under your watch, Secretary Mayorkas. Remember her name.

I am going to see to it that you have plenty of time in the course of your remaining life to remember the names, the 200,000 Americans who are dead because of fentanyl coming across a border that you have blown wide open.

Sheriff Lamb, thank you for being here, sir. I am sure you understand my passion having to listen to this nonsense. We could fix our border in 1 week. Am I right, Sheriff? If we had policy coming out of the White House that allow you to enforce the law and empower the Federal agents on our border that are tasked with securing the sovereignty of our Nation against the criminal cartels that control 100 percent of the Mexican side of our Southern Border. Could we do it, Sheriff Lamb? Had we done it before us recently at 2019?

Sheriff LAMB. Yes, Mr. Higgins, we could do that. Maybe a week might be tight, but 30 to 60 days, we could definitely fix this. We're America, we can stop this when we decide we want to stop it.

Mr. HIGGINS. When we make a decision to enforce existing law, we can flip this thing around. Sheriff Lamb, in my remaining minute there is a very disturbing development that we have been watching over the course of the last year or so. These guys crossing the border are increasingly violent. Your men, your deputies are encountering that. Will you characterize the demeanor and purpose of a typical gotaway that you encounter in your town and expound upon the increased violence that you are witnessing from these men?

Sheriff LAMB. Yes. Thank you, Mr. Higgins. Absolutely. We are seeing increased violence more and more. The ranchers along the border very fear for their lives every day. These are military-age men that are avoiding detection at all costs. Many have paid between \$6,000 and \$12,000 to come here, and that's a lot of money to them. They're not going back and they're not going to go down without a fight.

We've had traffic stops where they've tried to run my deputies off the road. While we're trying to stop a load vehicle, a secondary vehicle will try to run them off the road. We had one such vehicle we chased all the way back to Phoenix to find it was a female with a 1½-year-old child and a 5-month-old child in her car with her. Violence is absolutely an option for these people. They have zero regard for human life.

Mr. HIGGINS. Thank you, sheriff. Mr. Chairman, I yield.

Chairman GREEN. The gentlemen yields. I now recognize Mr. Payne from New Jersey.

Mr. PAYNE. Thank you, Mr. Chairman and Ranking Member. We are the most compassionate, generous country in the West. Tell that to the young people that are still looking for their parents that were separated under the previous administration.

Mr. Bier, and I know my friends on the other side don't like to hear it, but fentanyl and other hard drugs are smuggled through ports of entry into the United States by, unfortunately, U.S. citizens. These drugs are usually hidden in vehicles, cargo run, a person, in the hopes that it won't be detected by CBP as they process people and goods into the country.

What policy changes can we make to allow personnel at ports of entry to focus on interdiction of drugs?

Mr. BIER. Well, the most important policy change that can be made in this area addresses the demand for drugs. Ultimately, if U.S. consumers are willing to pay for illicit narcotics to come into the country, the black market will supply it. We've seen that for

the last century of prohibition, whether it's alcohol prohibition, whether it's drug prohibition, we have seen this phenomenon. Unfortunately, during the pandemic, when we greatly restricted trade and travel, it forced the shift from heroin to fentanyl, which is a far more potent and more deadly substance.

So I do not believe that there is a solution to fentanyl smuggling at ports of entry. At the end of the day, the black market is supplying drugs to U.S. consumers who are paying for it. As long as we focus on supply and ignore the drug war victims and not address their needs, not provide them with options to protect themselves against fentanyl, wouldn't it be great if fentanyl test strips were legalized Nation-wide so that people can know what they're ingesting, so they're not ending up like victims that we've heard about today? We need options. We need physicians to be able to actually treat addiction in this country and not be prohibited from, for example, prescribing methadone to their patients.

So there are options out there. I do not believe that restricting trade and travel and trying to crack down on immigration or even on U.S. citizens' travel abroad is the solution to the pandemic of fentanyl poisonings.

Mr. PAYNE. So you are saying that the demand is so great that there is always going to be opportunities for people to try to benefit on that. Is that correct?

Mr. BIER. Absolutely. For example, marijuana is trafficked between ports of entry. We know this has been the case for decades. We ended up during the early 2000's increasing the Border Patrol, doubling the size of the Border Patrol. We doubled the amount of marijuana seizures. But the amount of marijuana in the United States did not go down because the difference in cost of production in Mexico and elsewhere is so low, it's easy to just smuggle some more. So it didn't work. In fact, it backfired in that case as well, because marijuana potency, according to the DEA, increased by more than 30 percent as a result of that crackdown.

So we see it again and again and again. Crackdowns produce higher-potency drugs which are more dangerous to drug users. We need to focus on protecting drug users, not more crackdowns, not more border crackdowns, not more banning of asylum. That's not the answer to this problem.

Mr. PAYNE. Thank you. With that, Mr. Chairman, I'll yield back.

Chairman GREEN. The gentleman yields back. I now recognize Mr. Guest from Mississippi.

Mr. GUEST. Thank you, Mr. Chairman.

Chairman GREEN. Past Chair Guest.

Mr. GUEST. Sheriff, thank you for being with us today. I see in your testimony you talk specifically about fentanyl pills, that seizures were up 610 percent since 2020. You heard Mr. Bier just testify a few moments ago that the solution to the drug problem is we must protect drug users. That the solution is we need to legalize fentanyl strips.

What in your opinion is the solution to the drug problem? Is the solution not to close the border to stop the drug from ever entering the country and not to try to make it easier for people to use and consume illegal drugs?

Sheriff LAMB. Yes, Mr. Guest. Well, I agree with you, you have to curb demand. This is like mopping the bathroom floor without turning off the tub water. You've got to turn off the tub water if you're ever going to curb demand.

Right now, fentanyl in Arizona is 16 percent higher than it was all of last year. So think about what that's going to be by the end of this year.

Mr. GUEST. Let me ask you, we just returned from the border. There was a group of 11 Members of this committee who went to the border. That is my fourth border visit in approximately 18 months. Every time I've been to the border, Sheriff, I've heard these two statements. One is that it is the worst that the border has ever been. The conditions of the border, both for immigrants coming across the border, human traffic smuggling, drug smuggling. Also we hear that those front-line individuals, yourself, Federal law enforcement, State and local officials, feel as though the Federal Government has abandoned them, that this is no longer a Federal problem and now has dumped this problem in the laps of you and other local officials.

Let me ask you, do you share that same opinion that, No. 1, the border is worse than it's ever been in your history of law enforcement; and then, No. 2, the feeling that the Federal Government has abandoned you and the men and women who serve under your command?

Sheriff LAMB. Absolutely. It is far, far worse than it's ever been for us. I do share the opinion that the Federal Government has abandoned us. We have no line of communication outside of Arizona. We feel they've turned their back on not only the Border Patrol agents, but they've sent a clear message to us in law enforcement they're not interested in solving this. Every effort that States like Arizona and Texas make to try to fix this problem on their end because the Federal Government is failing, they try to thwart that as well. So we do feel abandoned.

Mr. GUEST. Let me ask you, Sheriff, we know that in early May Title 42 will be ending. Title 42 under the public health emergency has been a way in which we've been able to return immigrants to their country of origin very quickly. We know that DHS's own numbers, their internal numbers, which they've shared with us and which have been shared publicly, said that they believe that as many as 14,000 immigrants a day will enter the country once Title 42 expires. My public school math, 14,000 immigrants a day at roughly 30 to 31 days, depending on what month, you're looking at 425,000 immigrants a month.

Last December was the worst month we had ever had, 250,000. So we would be looking at adding another 175,000 in addition to the 250 once Title 42 goes away, assuming that the numbers DHS has provided is correct. What would that do to your community?

Sheriff LAMB. Well, it will demolish our community and it will demolish communities like Yuma and not just mine. What happens in my backyard today will be in your front yard tomorrow, no matter what State you are in, so.

Mr. GUEST. Explain that statement. Very powerful statement. What happens in your backyard or today will affect our front yards tomorrow. Explain that statement, please.

Sheriff LAMB. They estimate that 50 percent of all illegal drugs in America come through Arizona's borders. I would say that 90 percent of that comes through Pinal County on the I-10 Interstate or I-8 Interstate on its way to Phoenix. Then it gets transported out to the other States. So when I say what happens in my backyard today will be in your front yard tomorrow, that's what I refer to. That's not just drugs. It is also humans being trafficked for slavery.

Mr. GUEST. Let me ask you this, Sheriff. We have had testified before this committee before, Secretary Mayorkas has testified on several occasions. He's told both myself and Congressman Bishop to my right that the border is secure. He has also said that in Senate hearings. He said that in interviews that he has given to the media.

You there being just 50-some-odd miles from the Southwest Border, do you agree with that assessment? Do you agree with Secretary Mayorkas that the border is secure?

Sheriff LAMB. I'd like to preface this first by saying I tragically lost my son and my granddaughter in December in a car accident. I got a handwritten note from Secretary of Mayorkas which touched my heart deeply. But I do not agree with his sentiment that the border is secure. It is not secure. It has never been more unsecure.

Mr. GUEST. Thank you, Mr. Chairman. I yield back.

Chairman GREEN. The gentleman yields back. I now recognize Mr. Correa.

Mr. CORREA. Thank you, Mr. Chairman. Ms. Taylor, first of all, I want to say my heart goes out. I pray for you and your family. Back home fentanyl is touching everybody that I know.

I live in Santa Ana, California. We are about 100 miles away from the border. It is touching us.

You know, just a few years back, I was having a conversation with my daughter who was in high school, talked about drugs. She said, oh, Daddy, the drugs all over the place in my high school. I said, maybe I should send you to the private school. She said, oh, no, Daddy, there is more drugs there because there is more money there.

Drug abuse, bottom line, we all have to come together and make sure we don't lose another death. That is what we have to work for.

So as I said, I am about 100 miles away from the border. I have been to the San Ysidro-Tijuana border crossing about four times in this last year. I don't publicize it because my job is to find what the facts are, to make sure we drill down and coming up with a solution.

When I was there, Mr. Chairman, I also saw a couple of interesting drug busts. Saw a woman being led from the border crossing on foot from her car. She had a baby in her arms, walking with a 5-year-old child. Looked at the port director and I said, what is that about? He said, we just arrested her, truck full of drugs.

When I walked into the holding area where the cells were, looked at another young lady also having been arrested for a truck full of narco. They said this was an interesting one. That's a Marine Reservist whose life is about to change.

I met with the port director. I met with officers in green and blue uniforms, and they had one basic message for all of us: Give us the tools we need to do our job.

No. 1, we have all known it for years, we don't have enough agents out there. They are suffering from morale issues. Why? Because they do double shifts, forced double shift, forced.

They need dogs to sniff out the drugs. The most effective technology we have are drug-sniffing dogs. They are not there.

Finally, we have these neat things called scanners. They said, we need more of these. So not just on secondary, but every car that comes through that border is checked for drugs. We have known what they need. We just haven't done our job of getting them the resources.

Sam Ysidro, 99 percent of the trade through that port is good stuff. We need to focus on that 1 percent. Sheriff, our statistics are kind-of there. The port director told me that in San Ysidro, depending on the time line you measure, anywhere from 50 percent to 70 percent of all drug seizures in one port. San Ysidro, 70 percent. We know what the solution is. Let us fix it.

Less than 2 minutes I have got left. Mr. Bier, you talk about immigration challenges. I would say the problem we have is at the border we have a lot of challenges: Fentanyl, drugs, no doubt, but we also have a thing called refugees all over the world right now. I was down there about 6 months, 9 months ago. Look at the Ukrainian refugee challenge. There is no more Ukrainian refugee challenge at the border because we fixed how to take care of them. Now we have the Russians at the border along with everybody else, undocumented.

We have 11 million undocumented workers in this country. Many have been here 20 to 30 years. No hope of adjustment of status. In the AG area, 50 percent, 50 percent of all the workers in the AG industry, undocumented. Let us deport them all and see what happens to our food chain.

More workers, Chamber of Commerce. Mr. Bier, I have a lot of questions, but I guess would getting our border officers the resources they are screaming for, would that help stopping fentanyl at the border? Thank you.

Mr. BIER. Of course it's going to allow them to interdict more. The most important thing to do with the asylum crisis and to free up Border Patrol's resources so they can interdict as well is to process people at ports of entry. So doing double duty, providing more officers—

Mr. CORREA. Let me interrupt you, but that is exactly what the border officers told me. Let us focus on that 1 percent. Give us the tool.

Thank you very much, Mr. Chair. I yield.

Chairman GREEN. Thank you. The gentleman yields back. I now recognize Mr. Bishop, Chairman Bishop from North Carolina.

Mr. BISHOP. Thank you, Mr. Chairman. Mr. Bier, I guess I should say congratulations. Behold your handiwork. This is what you wanted. This is what you have advocated for for years. This is what the President wanted. This is what Secretary Mayorkas wanted, what Minority members here have relentlessly pursued.

You have advocated an open and uncontrolled border, mass immigration. You are in charge.

Mr. BIER. No, no, I certainly haven't. I don't know where you're getting that. Where are you getting that?

Mr. BISHOP. I will ask you a question when I'm ready.

Mr. BIER. Quote something.

Mr. BISHOP. I will. Mr. Mayorkas has been willing to flout U.S. immigration law to achieve the mass immigration that they and you favor. No, the migrants don't become citizens in law, but they certainly come to the United States and they are released into the United States. You consider that to be a good thing because you think it will reduce poverty and improve the economy. Let me tell you how that works.

There was an article in the *New York Times* on Saturday, I am sure you read it, "Alone and exploited, migrant children work brutal jobs across the U.S." Carolina Yoke, who came to the United States on her own last year to live with a relative she had never met. The number of unaccompanied minors entering the United States climbed to a high of 130,000 last year, three times what it was 5 years earlier. This summer is expected to bring another wave.

Guess what? The Federal Government is supposed to be in touch with them and place them with sponsors through the Department of Health and Human Services. But although the HHS calls the minors it sends out a month after they go to live with these sponsors, many of whom they don't know, some of whom are sponsoring 20 children or more, the agency could not reach more than 85,000 children. Overall the agency lost immediate contact with a third of migrant children. By all means, let us bring more in, so more end up in the situation of Carolina Yoke. Carolina Yoke. Probably.

Or you could go to the article from last July. Smuggling migrants at the border is now a billion-dollar business. You say, well, it is because they are illegal. If they weren't illegal, then the Mexican cartels wouldn't be able to charge them the fees that generate \$15 billion in revenues. I would like to ask you how you understand that if they have a pervasive control of the Mexican side that the Border Patrol tells me they have, how come they couldn't continue to charge the fees that they are torturing people over and placing children in indentured servitude in the United States? Why couldn't they continue to do that in a failed narco state of Mexico?

Mr. BIER. Well, we actually have experience with legal immigration of Mexicans in Central America.

Mr. BISHOP. You are not going to answer the question about why they have continued to charge the fees?

Mr. BIER. We have H2A guest worker programs that allow people to come and they're not controlled by the cartels. We should expand those guest worker programs and allow people to come legally—

Mr. BISHOP. My question to you, sir—

Mr. BIER [continuing]. And they are not to use those fees—

Mr. BISHOP. My question to you, sir—I am not going to let you filibuster my time.

Mr. BIER. You asked me a question.

Mr. BISHOP. I am going to let you answer on my time.

Mr. BIER. You asked me a question and you attacked me.

Mr. BISHOP. I am going to let you answer my question, if you answer my question. But that question is, what would prevent cartels from charging legal immigrants if they were coming across en masse?

Mr. BIER. Well, we already have experience with this, sir. We have legal immigration. It's just extremely unusual and constrained. We have no year-round guest worker program.

Mr. BISHOP. Right.

Mr. BIER. We have a seasonal guest worker program.

Mr. BISHOP. I am not talking about guest worker programs. I have asked the question twice. You don't want to answer it, that is fine.

Mr. BIER. That's legal immigration, sir.

Mr. BISHOP. Let me say this. Let me say this. In January of this year, in January 5, in Culiacan, there was open warfare between the Mexican military and the Sinaloa cartels. The Mexican military sought to arrest Ovidio Guzman. They burned cars. They had Sinaloa soldiers running around on narco tanks, firing 50-caliber weapons at military aircraft in the air. That is a cartel that you are strengthening with your ideology, sir, and the Members of this committee, the Minority who have advocated for this relentlessly, and the President of the United States and Secretary Mayorkas. If you think it can't occur in the United States, just keep going.

You can come back then when you are advocates—you know, the other thing you said that is remarkable to me is what you think we need to do is have more legalization of fentanyl across the United States. That sounds like a great plan. I would suggest you go read "San Fransicko" by Michael Shellenberger about what has happened in that city. It is outrageous. It is as misguided as any policy I have ever seen in the history of mankind and in the name of humanity—

Mr. BIER. I said we should adopt it.

Mr. BISHOP [continuing]. In the name of humanness, I don't want to hear any more of your economic arguments. I am concerned about Carolina Yoke and those other people who have been distributed across the country to people they don't know, to homes that don't care for them, to go work in factories as children. That is not the way it's supposed to be, but it is the result of what you have advocated.

My time has expired.

Mr. BIER. It's not the result of what I've advocated at all.

Chairman GREEN. The gentlemen's time has expired. I now recognize Mr. Thanedar from Michigan.

Mr. THANEDAR. Thank you. Thank you, Mr. Chairman. My colleagues across the aisle have focused almost single-handedly on the Southern Border today. We have heard very little about challenges we face at our Northern Border, which is more than twice as long as our Southern Border and critical to our economy.

In my district in Michigan, many businesses and individuals rely on being able to travel and ship goods regularly across the border. Ensuring Customs and Border Protection has the personnel and resources needed to keep ports of entry open and process people and goods efficiently is essential.

Unfortunately, a shortage of pathways for immigration has made our borders very difficult to manage. CBP has had to rely on temporary duty assignments to surge employees where they are most needed, which has often pulled resources away from the Northern Border.

As an immigrant myself, I am a proud example of how immigrants contribute to American society. I was fortunate to have the opportunity to come to the United States to pursue my Ph.D. in chemistry and then gain citizenship. As a business owner, I have created hundreds of jobs and helped drive innovations. Unfortunately, this American dream is available to far too few. Our immigration system remains extremely restrictive, despite a major need for workers among American businesses.

Even worse, we often hear rhetoric scapegoating immigrants for increasing crime and taking American jobs when all available evidence shows that immigrants, in fact, make us safer and grow our economy.

When I was applying for a student visa, my visa was denied four times. At the fifth time, and I introduced the same papers that they denied the fourth time, they approved my visa. When I asked why the visa officer changed her mind, I was told that she was in America on a vacation and another agent looked at my papers and approved them.

Chairman GREEN. I am glad you didn't give up, sir.

Mr. THANEDAR. Yes. Mr. Bier, would expanding pathways for legal immigration make it easier for CBP to manage the Southern Border and, in turn, allow for more personnel and resources to focus on the Northern Border as well?

Mr. BIER. Oh, absolutely. We've already seen it in action with the Ukrainian crisis. We had tens of thousands of Ukrainians showing up. We created a parole process for them so they can fly directly from Europe to the United States with U.S. sponsorship. That program has worked great. They expanded it to Venezuela and Haiti and Nicaragua and Cuba. It's also reducing the number of crossings from those countries now that we have a legal immigration process set up for them.

Just to give you one other example, there was a story about an Afghan who showed up at our border. We hear about these people who travel thousands and thousands of miles to get here. He won the diversity visa lottery. He had the opportunity to come legally, and as a result of the pandemic, they shut down all the visa processing, so he never got his green card and then he showed up at our Southern Border.

So, the consequences of restricting legal immigration are real for our border communities. If we can get legal immigration right, we can fix this problem. We need people. You're absolutely right.

Mr. THANEDAR. Thank you, Mr. Bier. I yield back.

Chairman GREEN. The gentleman yields; I now recognize Mr. Gimenez from Florida.

Mr. GIMENEZ. Thank you, Mr. Chairman. On January 29, I had a meeting with Secretary Mayorkas, where I asked a number of simple questions. He was upset that I was amazed that he didn't have the answer, but he said he had the answer right at his fingertips. So on the 31st, I sent him a letter saying, according to U.S.

Customs and Border Protection, over 4.5 million migrants encounters have occurred at the Southwest Border since President Biden took office. How many of those individuals encountered are currently residing in the United States and where are they residing? What is the process for choosing a location to release individuals, and what sort of information is given to those local authorities?

Second question, how many of these individuals have authorized work permits? Do those who receive work permits receive Federal Government assistance? If so, how many and how much per individual? Do those individuals who do not have authorized work permits receive Federal Government assistance? If so, how many and how much per individual?

Finally, according to CBP sources, over 1.2 million known gotaways have evaded the CBP. How many of those have since been located by CBP? What are the current steps being taken by the Department of Homeland Security in processing individuals who have been captured and detained? How many immigrants who were unknown to DHS have been detained and departed over the past 2 years?

He said he had all that information. I asked for the answer to come back in about a week. I have sent this on January 31. Mr. Chairman, I have yet to receive a response from something that apparently they had at their fingertips.

But luckily for me, today I got a call from a friend of mine who has some of the answers, and here are some of the answers. He said that he was speaking to a friend of ours or a friend of his down in Miami, who recently sent \$20,000 to Cuba to have a migrant come over to Mexico. Then they were transported across the borders, so it was \$20,000.

When the migrant came across, he was immediately given a cell phone, he was given a plane ticket, and he was given \$1,600 a month for 6 months in Federal assistance. Now, since he hasn't answered me, now I got to multiply 4.7 million times \$1,600 times 6 months. It is costing the U.S. taxpayer something north of \$45 billion. So it definitely impacted the United States of America.

I want to shift gears here and, Ms. Kiessling, I really sympathize with what happened to you personally. I had a death in my family about 4 years ago from drug overdoses. I used to be a paramedic in the city of Miami where, you know, we saw a lot of drug overdoses due to heroin. Never saw anything like fentanyl and, you know, the deadly kind of a drug that fentanyl is.

Now, you are absolutely right. Fentanyl has killed, drug overdoses has skyrocketed. Over 100,000 Americans probably per year are dying of fentanyl. Now, can you imagine if a foreign adversary came across the border every single day, killed 200 Americans, and then scurried back, you know, across the border, how we would react to something like that? Well, it is happening every single day.

We have the terrorist organizations, which are the Mexican drug cartels, which are profiting immensely from human trafficking. Before, in the Trump administration, they made about \$500 million a year. Now they are making \$13 billion a year on human trafficking.

But worse than that, they are killing Americans. You know, about, you know, a little bit over 20 years ago, a terrorist organiza-

tion came over and killed about 3,000 Americans. We went and traveled 15,000 miles and waged 15 years of war to get rid of that terrorist organization. We are doing absolutely nothing about a terrorist organization that is killing far more Americans every single year, and we are doing nothing about it. So I asked the Secretary of—I am sorry, the director of the FBI if he considered them to be a terrorist organization, and I guess because of some bureaucracy, we just can't label them a terrorist organization.

But, you know, we should be doing a heck of a lot more. We should be making them pay for what they are doing to us. While I agree with an all-and-above solution to our drug problem here with the users, et cetera, I also think that the people that are supplying that weapon that is killing 100,000 Americans every year need to pay the price.

Thank you. I yield my time back.

Chairman GREEN. The gentleman yields; will now recognize Mr. Swalwell from California for his 5 minutes.

Mr. SWALWELL. Chairman, if it is OK with you, actually I was going to let Mr. Ivey go ahead of me and then I will go the next round. You good with that, Mr. Ranking Member? OK.

Chairman GREEN. The Chair recognizes Mr. Ivey.

Mr. IVEY. Thank you, Mr. Chairman. Thank you, Mr. Ranking Member. Thank you, Congressman Swalwell. I appreciate the chance to address the committee on this today.

I heard a lot of comments this morning. Negligent homicide, perhaps a military strike in Central America are two of the things I have heard. I am not ready to go there, I must say, and I hope the United States isn't there either.

I think, Mr. Bier, I appreciate your testimony. I will come back to you in a moment. But one point I wanted to make initially, and with the chart here behind me, is that there are things we can do short of military options or, you know, trying to prosecute the Secretary for negligent homicide. The Democrats have already taken steps to do that.

So with respect to the omnibus bill, which is behind me, it is in the blue chart, you can see it up on the monitor, those are the amounts that we passed last Congress. I wasn't here yet, but that was an omnibus bill. I say we, based on Democrats we had 216 Democrats voted for this bill. Only 9 Republicans joined in. I don't think any of them are on this committee. Two hundred Republicans voted against it.

So, the talk we are hearing about the things that need to happen and get done, part of that goes to the need to have resources to address it, like more border agents, for example. Mr. Correa talked about the need for surveillance at the border, the ability to check vehicles as they come across ports of entry. As, Mr. Bier, as your testimony points out, I think it is like 86 percent of the fentanyl and narcotics come across through points of entry as opposed to the other border areas. So why don't we focus on that?

Well, the bill we passed helps to do that. We can go through all of these. I am short on time, but the point I want to make is on the left side, under the blue, is the money that was passed in the omnibus bill, primarily by Democratic votes. The red side is the Republican legislation that has been offered.

I just mentioned most Republicans voted against the omnibus bill that passed last year and is actually sending resources to the border to help address many of these issues. I know the Biden administration has said that more is going to come when the budget proposal comes out on March 9. Under the red, though, as you can see, it is goose eggs all the way down the page. That comes from H.R. 29, which was supposedly the Republican leadership bill on addressing this issue.

Just for those of you that don't know, the leadership bills are supposed to be statements of that party's focus. These are top priority bills. We need to pass these things to address the key problems facing the American people. So I picked H.R. 29 because that was designated by House Republicans.

We looked at other bills, too, and they haven't put out any money for that either that we can find. But I thought H.R. 29 was representative. They call it the Border Safety and Security Act of 2023. They put up no funds for any of the types of things and the programs you all are talking about are challenges. I know you have different views about what the cause of the problems are and all of that, but I think almost all of them require additional resources.

So from that old movie, I forget, "Jerry Maguire" I think it was, show me the money. Your budget shows your priorities. The budget priorities stated by the Republican Caucus so far is that they want to talk about, let me get this right, prosecuting Mr. Mayorkas for negligent homicide. They want to talk about removing Mr. Mayorkas from office. But fixing the border crisis, which is what I thought this hearing was going to be about, we don't get much conversation about that.

Mr. BIER, I have only got a minute. Let me come to you quickly. We just talked a moment ago about the 86 percent of U.S. citizens are actually carrying the fentanyl across the border. Is that right?

Mr. BIER. That's right, in 2021.

Mr. IVEY. That is on page 7 of his testimony. By the way, your testimony had 115 footnotes. So, in contrast to a lot of the episodic and, you know, that kind of stuff, your testimony is clearly documented with data, which I think is an important way to figure out what sort of policies we should be enacting. Ninety-three percent of the fentanyl that was seized came through ports of entry, is that correct?

Mr. BIER. That's right.

Mr. IVEY. With respect to the legalization, you were accused of wanting to legalize fentanyl. I didn't see that in anything you wrote. I did see you talk about legalizing fentanyl test strips. Is that part of it, sir?

Mr. BIER. That's right. Legalizing test strips would enable drug users to make sure that they are not taking fentanyl, which would have prevented the deaths that we're hearing about today.

Mr. IVEY. Yes. By the way, we have had some of those deaths in Maryland. We are not on the border, but Prince George's County, where I am from, Montgomery County, Mr. Trone and I, he put a bill together to address that in part. I support it. I believe it is a bipartisan bill. Hopefully, the Republicans on the committee will support that as well.

I see I have run out of my time. I will come back, though. I want to talk to you about the impact of what you have seen in Venezuela, Cuba, and Nicaragua from an immigration standpoint, and the change in the legislation that really addressed the problem there in the ways that you are talking about.

Mr. BIER. Thank you.

Chairman GREEN. The gentleman's time has expired. I now recognize Ms. Greene from Georgia.

Ms. GREENE. Thank you, Mr. Chairman. We have one job in the Federal Government and that is to protect the United States of America, our national security, and all Americans, their life, their liberty, and their pursuit of happiness. Since the Biden administration has taken over, there has been a direct result in the number of deaths in this country from fentanyl.

I want you to know that in 2020 there were 4.8 thousand pounds of fentanyl seized by CBP. But in 2021, fiscal year 2021, it increased to 11.2 thousand pounds of fentanyl was seized by the CBP. That is a direct result of Biden administration failure policies.

Now, here we are and to date, fiscal year 2023, they have already seized 12.5 thousand pounds of fentanyl. The Biden administration is failing this country by not protecting our border and securing our border and stopping Chinese fentanyl from being brought into our country illegally by the cartels and people are dying every single day because of it.

Fentanyl deaths have doubled, doubled, between 2 years from April 2019 to April 2021. Those are the statistics we have. Fentanyl deaths doubled from 32,754 to 64,178. This is a complete failure.

I want you to know it is affecting every single State in the country. In Georgia, fentanyl deaths have gone up by 230 percent. In rural northwest Georgia, my district, the 14th district, we are up 350 percent.

Fentanyl does not discriminate on your skin color, your gender, your politics. Fentanyl kills everyone. It kills police officers, first responders, and tragically, fentanyl is now the No. 1 cause of death of young Americans ages 18 to 45. This is unforgivable. The Biden administration is responsible for this, and they have blood on their hands because they refuse to secure our border.

Today we have a witness with us. Ms. Kiessling, I just want to tell you I am so sorry, from one mother to another, for the death of your two sons that died from fentanyl poisoning. That should never have happened. Should never have happened to you. It should never happen to any family. It happens to families at home, where I live. It happens to pretty much everyone we know.

I want to ask—no, first, I want to thank you for being brave to come here and share your grief with our committee. But, Ms. Kiessling, would your sons be alive today if our government would secure our Southern Border?

Ms. KIESSLING. Absolutely. The year Caleb was born in 2000, there were 20,000 drug-related deaths. The year they died, it was five times as many. I appreciate you using the term "fentanyl poisoning," because that's what it was. It wasn't an overdose. They

had no idea that they were doing anything that could kill them. It's because fentanyl got into this country.

I heard this man over here from the Cato Institute, you know, talk about, well, it's because of demand. What I'm hearing him say is, they asked for it. What the hell? Seriously, are you kidding me?

We need to protect our children. They didn't ask for that. This wasn't demand that they wanted the fentanyl. They didn't want fentanyl. They thought they were getting Percocets. OK, he's absolutely clueless. Like total disconnect from what's happening.

You know, and to say, oh, let's just give them strips or let's give them rehab. You know what? My kids got the Federal—my son Kyler went to Federal rehab. It was a flophouse. It wasn't real rehab. You're wasting your money where you're sending it. I'm telling you. It's a waste of money because it wasn't real rehab.

The Government paid for their drugs under COVID. They encouraged them not to stay home. All these young people in our support groups, we all talk about it, how they paid for their drugs with the Federal funds under COVID that gave them incentive not to work. Healthy young people.

Ms. GREENE. Thank you, Ms. Kiessling. This Government has failed you and it is failing American families. It is failing—most of all it is failing our children and our young people. Thank you very much.

Chairman GREEN. The lady's time has expired. I now recognize Mr. Swalwell from California.

Mr. SWALWELL. Thank you, Chairman. Let me start with Sheriff Lamb. Thank you, sir, for your service in a very hard and challenging part of the country. I have got two brothers who are deputy sheriffs. My dad was deputy sheriff. I know it is a thankless job. I guess I just want to ask, if you had 20,000 more Border Patrol agents surged across the Southern Border, would that make it easier or harder for you to do your job?

Sheriff LAMB. Thank you, Mr. Swalwell, for the kind words as well and for your family service. Absolutely, 20,000 more Border Patrol agents would make a world of difference. I would love more deputies, too. So, yes, staffing does matter.

Mr. SWALWELL. If you were able to have more technologies, whether it is drone technologies, sensor technologies, to work with CBP to monitor and track the border, would that also help?

Sheriff LAMB. Yes, sir. We spend a lot of money on helicopter fuel. We spend a lot of resources there. Where I'm at, if I have a regular drone, a gap to be with line of sight, honestly, in my area, I need a drone that's a military-style drone that I can fly for 50 miles. So, would love to have a drone.

Mr. SWALWELL. Do you agree that we need to crack down on any employer who hires an undocumented individual because by hiring somebody who is undocumented, it incentivizes migration?

Sheriff LAMB. I've heard a lot of talk about a lot of things, but I think we are underestimating the amount of lost tax revenue that goes on every year from all the people in the country illegally. We are all paying taxes, and we're footing the bill for a lot of things. There's a lot of lost tax revenue. I do agree that on some levels there should be some crackdowns, but we also need to balance that

out with the amount of employment that is needed in this country. This is your job. This is what you guys are good at.

You know, and, respectfully, I would say the last 2 years, one party had command of Congress, Senate, and the Presidency and could have passed an immigration bill and didn't do so. Now here we are again, now back wherein both parties are split. So I think there's a lot of help we could do.

Mr. SWALWELL. You are right. In 4 years before that, another party had exactly what you described. I don't want to disvalue the benefit of an immigrant work force because my next point is that wouldn't you agree that having a legal immigration system, where people who go through the legal process go to the front of the line, would be a preferred way to adjudicate those who want to come to the United States, follow the rules, work, pay those taxes?

Sheriff LAMB. One hundred percent agree. I've lived in the Philippines. I've lived in Panama. I lived in Argentina. I agree that you have to create a common-sense oath to fill jobs to give these people an opportunity. Me, along with every other law enforcement and all these people set up here, we want people to come here and make a better life. We just want them to follow the process.

Mr. SWALWELL. That is right. What I just described to you was essentially the 2014 President Obama-Republican deal in the Senate, where 68 Republicans and Democrats agreed on the framework that I just laid out. It is my hope that we can get back to that, because I agree with you, I think most Americans, they want to have a border that is safe and secure. They want to have, you know, immigrants come to this country and work the jobs that have a necessity to be filled. They want to make sure that there is a background check and that the legal process are the ones that go to the front of the line. It seems to be that, you know, the politics of this overtakes the solutions.

On the point of fentanyl, Ms. Kiessling, I, too, want to share my sympathy for you and your family as someone who knows people who have also died. But I believe that the biggest culprit here, and I think the Republican colleagues of mine agree, is really going after China. I think China has blood on its hands. I don't think President Biden has blood on his hands. I think China has blood on its hands for the fentanyl crisis because, as a number of people have said, overwhelmingly these fentanyl is coming through points of entry and overwhelmingly it is U.S. citizens. The fentanyl we know is coming from over in China. I think internationally, we should all work to apply more pressure on China to account for what it is doing.

Finally, I think Ms. Greene is just divorced from reality when she wants to use the fentanyl seizures as a way to beat up on the President. Because, Sheriff Lamb, you said earlier today that you are literally saving the country with the number of people that you have saved with those seizures. Where I come from, and my brothers make a big seizure that get guns and drugs off the streets, we don't use that to make a political point. We use that to give an attaboy, you know, to the police officers for what they did. So I am going to give you all an attaboy for what you have done. Thank you, because you have taken a lot of fentanyl off the streets and you have made us a lot safer because you have done it.

Yield back.

Sheriff LAMB. Thank you, Mr. Swalwell.

Mr. HIGGINS. The gentlemen's time has expired. We recognize Mr. Gonzalez from Texas for 5 minutes of question.

Mr. GONZALEZ. Thank you, Chairman. I am a retired Navy master chief. I spent 20 years in the military. I spent 5 years in Iraq and Afghanistan. I fought in two wars. I know what war looks like. I know what war smells like. I know what war feels like. We are at war.

We are at war with China every single day. I just got back from Taiwan. I spent 10 days in the Pacific. Every single day, China attacks us via cyber and our allies. Every single day, China partners with drug cartels and they poison our children with fentanyl. This is intentional. You see it over and over again. We got to act like we are at war. We can't have a Presidency that views it as competition. It is not competition when China is killing our children. It is not competition when China is poisoning our country.

My first question is to Sheriff Lamb. You know, Arizona is very similar to Texas. This is our third year of this crisis. I feel as if Arizona is about a year behind, especially in some of the rural areas. I know my good friend Juan Ciscomani is working on this issue. But one of the questions I have for you is, I have got a bill, Security First Act, that designates cartels as terrorist organizations. In your opinion, do you think cartels are terrorizing migrants?

Sheriff LAMB. Absolutely. You can ask the people that have been decapitated, chopped to pieces, enslaved in the sex trade, the families who have lost loved ones. That strikes terror into the fear of a lot of people and the people that live along that border, so that it would be the definition of a terrorist organization and I agree that they would qualify as one.

Mr. GONZALEZ. You know, literally, every single day I get a text message or I get a call from my constituents saying things are out of control. Yesterday I got a picture of imagine if you are in your back—imagine if you are in your house and five people walk through your yard. Not who cares if they are American citizens or not? They walk through your area, right? They intrude on your area.

My question to you is, what is happening in Arizona? Because it seems it is starting to get more traction, people are hearing to see what is happening in other parts of the Texas—or other parts of the country outside of Texas. But once again, the terror for us has not stopped. What I am seeing is our constituents, the people that I represent in Del Rio, in Eagle Pass, I mean, earlier today, I was with a gentleman named Mr. King from Del Rio that was walking me through it. He goes, hey, Tony, I got two young kids, 3- and 5-year-olds, and every day I am under this attack. What is happening in Arizona?

Sheriff LAMB. Well, the ranchers can't even let their kids out on their own to ride the range. You know, we have families that are concerned every day. My son fell into an addiction with fentanyl. Luckily, he overcame it and was clean before he ended up passing away in a traffic accident. This is affecting every American family, and Arizonans are not immune from that.

Mr. GONZALEZ. My next question, also to you, Sheriff, is this is what I am seeing, too, is the cartel manipulates our legal system. I am very concerned with unaccompanied children. This is something that really isn't getting a lot of attention. I am curious if you have come across any situations where folks were connecting with a fake parent, if you will. I know a lot of that falls in the Border Patrol area, but when it comes to unaccompanied children, what are you seeing in Arizona?

Sheriff LAMB. Yes, I'm part of the Alliance. I'm the chairman for the Alliance to Combat Transnational Threats where we work with our Federal partners. I will tell you, contrary to a common belief, the majority of children are being separated by the cartels, not by the American government. We had, I believe, 130,000 unaccompanied minors last year alone, and they are many cases being released back to cartel members because there's no way for them to know where they came from or prove that these are family members. So it's absolutely happening.

They're taking advantage, like you said, of our policies here. They're very astute to what we believe and what we're trying to do.

Mr. GONZALEZ. My next question is in regards to funding. One of my colleagues brought up funding earlier. I sit on the Appropriations Committee, and Operation Stonegarden funds is an area of, look, money will never solve this problem. Throwing more money at the problem doesn't solve it. But if you put—if you put resources toward areas that work, you can tackle the problem correctly.

I pushed for 3 years to increase Operation Stonegarden funds. Like I said, that program needs to be refined. They need to kind-of take the gloves off, allow them to do some things. But can you speak to Operation Stonegarden? How is that?

I know in Texas, one of our counties in Brewster County, Sheriff Dodson, he was able to add an extra deputy, you know. In that area he represents, it is larger than Delaware. Imagine getting an extra deputy. But how is it in Arizona with Stonegarden funds?

Sheriff LAMB. We appreciate Operation Stonegarden. It gives us the ability to work with Border Patrol on a daily basis. It funds my helicopter, my fuel, and all these things that we not only use for border security, but we use for search and rescue to save not only smugglers left behind, but to save other citizens that have been hurt while they're hiking or whatever.

Sheriff LAMB. Thank you, Sheriff. Chairman, I yield back.

Chairman GREEN. The gentleman yields back and the Chair recognizes Ms. Jackson Lee for 5 minutes.

Ms. JACKSON LEE. Mr. Chairman, thank you so very much. I certainly do appreciate the leadership of my Ranking Member over the decades, I can almost say. I certainly hope that you will join him, as I know you have great leadership as well. We have spoken about some issues that we want to work on.

Just for the record, Mr. Chairman, we are crafting a fentanyl bill that we hope will draw bipartisan support and we will be happy to share it with this committee and the committees that I am working with, along with the Ranking Member.

To the witnesses let me thank you for the sacrifice that you have made to even be here today. If we didn't have the opportunity to speak to the American people, we would not have the opportunity

to be guided by the American people because we are public servants.

I certainly want to say to Mrs. Kiessling, and I hope I am with adequate pronunciation, that you have my deepest sympathy to have the loss and to experience what you experienced. We make a promise here, as I have done sitting on this committee, that we will put you first and we will find every solution that we can to keep dangerous criminals, but also to ensure the protection of the American people. So my deepest sympathy to you and I thank you. Your story is needed in this room today.

I also want to thank Sheriff Lamb for certainly representing law enforcement across America. We all have law enforcement in our communities and I can assure you they are our neighbors as well as our protectors.

I just came back from the border briefly with a senatorial deposition and talked to the men and women at CBP. Stood by, in fact, walked to the point of demarcation between the United States and Mexico, watched individuals with day passes, I will just use that as a parochial term, coming legally across. But at the same time, watching canines and also being shown a small vehicle driven by an American young woman, unfortunately, that was loaded down with drugs, I think in this instance marijuana.

The CBP felt very comfortable with their ability to detect and to find the amount of drugs coming through the legal points of entry. My concern was this young woman, 19 now, has got a life ruined. They even said to me she probably got \$100. I am hoping not. I am just stunned that she was not in college or somewhere else that would have been more productive. But I think it sets the narrative that is actually the facts of what we need to deal with in keeping the borders safe.

We know that we have a very extensive border. What you see in San Diego, you may not see in Yuma, you may not see in El Paso, you may not see in Brownsville, Laredo, and otherwise.

So I want to indicate that, first of all, the app way is working, not out of my speculative lips, if you will, but out of experts that are at the border. It is working. It is challenging. You have to have the languages, you have to make sure people have access to it, are in places where they could actually connect. But all teams have set up individuals handling the apps. More resources are needed for those handling the apps and receiving the information, but that process seems to have some merit.

So, I see this has Secretary Mayorkas in here. Let me compliment the Secretary for being an immigrant and rising from his meager beginnings and serving us with great passion and assertiveness and firmness about securing the American border.

I want to go to you, Dr. Bier. Our colleague, Congressman Ivey, offered a wonderful array of support that we gave to the system of immigration, \$1.88 billion that Democrats did. I remember about 2004, I offered and worked with then-Senator Kerry for a major contribution. So, I only have about 10 seconds left. Let me ask you about the Democrats' approach, but more importantly, that one question about our migrant mothers and children bringing over drugs to make us unsafe. Or is there another scheme that is being used to bring over those drugs? I will yield to you right.

Mr. BIER. Asylum seekers are not bringing drugs. They're the ones we heard about who turn themselves in, who request asylum. You're talking about the ones who are waiting at ports of entry to be able to use a phone app in order to apply for asylum. They're not bringing drugs either. We need a process for them to free up law enforcement resources to interdict people who are coming to do harm.

Ms. JACKSON LEE. Do you believe that this process that Governor Abbott is using \$4 billion and putting the National Guard at the border is enhancing any great safety in that particular small area? Would you just give a general assessment on that?

Chairman GREEN. The Chair will allow another 30 seconds.

Ms. JACKSON LEE. Mr. Chairman, you are very gracious. I am sorry. I read the clock wrong. I am so sorry.

Mr. BIER. Look, very quickly, I think ultimately what the Texas Governor has to deal with is a very difficult situation. But we are seeing a lot of people being arrested for very minor crimes and being locked up. They're not getting into the immigration process as they should and are entitled to under our laws.

Ms. JACKSON LEE. I thank the gentleman. I thank the Chairman.

Chairman GREEN. For an academic curriculum for our military DOD schools that is based on the life of Martin Luther King, I appreciate your partnership in that.

I now recognize Mr. LaLota from New York.

Mr. LALOTA. Thank you, Chairman. I want to say thanks to our witnesses for being here, especially to you, Ms. Kiessling, for having the courage to share your story. I am the father of three wonderful daughters, and I couldn't imagine what you have gone through, so I appreciate you sharing that with us. Hopefully, it provides us the perspective and the courage as well to tackle this problem as well.

I represent a suburban district on Long Island. We are about 2,000 miles north of the Southern Border. But because of the country's open borders and my State sanctuary city policies, New York State has, too, become a border State. But just this past week, I had the opportunity to visit the border down in El Paso to witness first-hand what is going on with the 1.2 million gotaways and the 100,000 fentanyl poisons that we have had over the past year—1.2 million gotaways. That is more people than 8 different States. The reality is our Federal Government has no idea where these people are. But what we do know is that 100,000 people died from fentanyl poisonings last year. That is 250 per day, the equivalent of a commercial airliner crashing every day.

We know that that fentanyl is being made in China and being smuggled across the U.S.-Mexico border. Sheriff Lamb, you noted that the impact of the border crisis isn't just in your State, isn't just in the United States' border States, but across the United States. In my home county of Suffolk, like I said, 2,000 miles north of the Southern Border, recently we saw 400 deaths due to fentanyl poisoning. I think that we all agree that more must be done to stop these illegal substances from entering outer communities.

So my question is to you, Sheriff. What resources do you need to find and seize the illegal drugs that are coming across our borders so that we can best fight this scourge that is killing so many Amer-

icans? What impact, if any, in your opinion, would a wall or a fence or other physical barrier do to help you do your job, sir?

Sheriff LAMB. I'll answer the second thing first. The wall absolutely works. I mean, I have a wall around my house. It's not stopping anybody, but it's certainly deterring them from coming into my yard. It is a piece of border security. We got to put that together with the right amount of personnel, the right equipment, all of that works together to do it.

My county will always have a problem because we have an Indian reservation that actually goes into Mexico. There will be—they won't build a wall there. So even in the good times, we still have people coming through.

What we could do is continue to fund or increase the funding for Stonegarden. It gives us the ability to really help Border Patrol. I would love to see a lot more equipment available for local law enforcement to be able to do it. For us, it's still going out and doing it the old-fashioned way, and that's traffic stops and getting people that are trying to be trafficked through the deserts, the cartels' activities through there.

Mr. LALOTA. Can you speak or share also of any of the technology that you could use to help do that job better, sir?

Sheriff LAMB. Absolutely. Thank you, sir. I would love to have a drone, a drone that was a military-type drone, because the expense, I need one that flies 50 to 100 miles that we can monitor our desert areas. Because within the desert areas south of my county is where the cartels are pushing people who have criminal records. I don't know if most people know, in the last year, I think it's the last year, even if it was 2 years, there's been over 40,000 people apprehended that had criminal convictions here in America for crimes and that they are also wanted by law enforcement. So, think about the amount of people that are getting by us that we're not—that are actually criminals already.

Mr. LALOTA. Thank you for your dedication to this issue, Sheriff. It matters to your county, but it matters way north in my county as well.

Chairman, I yield back.

Chairman GREEN. The gentleman yields. I now recognize Mr. Magaziner from Rhode Island.

Mr. MAGAZINER. Thank you, Chairman. If you all indulge me, this is my first time speaking on this committee, so I am going to just speak for a moment at a high level.

My hope is that this committee will work together on a bipartisan basis to enact smart policies to protect Americans against anyone who would do us harm, including by improving our security at our borders and points of entry. Everyone on this committee is going to have a decision to make: Whether we are going to work together to get things done or if we are here for partisan grandstanding.

This committee, as I understand it, has a reputation for being one of the more bipartisan committees in Congress historically, where Members do work across the aisle in the interest of protecting the safety of the American people. I hope that that will continue. That is one of the reasons that I chose to join this committee as a freshman.

It is disappointing to me that already I hear not all and not most, but a few Members using their time to take shots at the other side or the President or other political figures instead of having a productive conversation about solutions. I hope that will not be the tone going forward because there are plenty of things that we can do to improve safety and security at the border that I think we can all agree on.

We should all agree on securing the border in ports of entry by improving technology, by making sure there are adequate resources available, by finding ways to collaborate across agencies and with friendly nations to crack down on human trafficking, drug smuggling, and cartel activity. Making the asylum process more efficient, so that those who are doing the right thing and looking to do the process the right way don't run into a wall of unnecessary red tape and delays; and addressing the root causes of migration that are causing the vast majority of people to come here.

We also have a real and pressing crisis with the opioid epidemic and particularly fentanyl that is ravaging our country, and we should attack that problem where it exists. I am glad that there has been discussion today about the fact that over the last couple of years, more than 90 percent of fentanyl seizures have occurred at legal ports of entry with American citizens, unfortunately, making up more than 80 percent of those apprehended. I don't say that to point fingers at anyone. I just say that to make sure that we focus our time and attention on where the problems are most severe, so that we can save the most lives. So, we need to do everything that we can to ensure that we stop fentanyl and other drug trafficking by employing the technology and the manpower where it is needed the most.

At the same time, we can't lose sight of the fact that the vast majority of migrants who are coming here seeking entry to the United States at the Southern Border are doing so because they are fleeing violence and persecution. These are human beings who are running away from something in the vast majority of cases, and they deserve to be treated with humanity and respect. Those are our national values.

So, I hope as a committee, we will endeavor to work together in a sober way to address these and the other challenges that our homeland faces. I hope that going forward, we will not lose sight of the fact that the intelligence community has been clear that domestic extremism is one of our other most serious threats. Over the last 3 years, 80 Americans have been killed by violence motivated by domestic extremism, with white supremacy and anti-Government extremism being among the most common motivating factors; that we need to redouble our efforts to strengthen our infrastructure and our cybersecurity.

We just saw in the last few weeks reports of Vladimir Putin's regime attempting to shut down the electric grids and LNG facilities through cyber attacks in this country in the wake of the invasion of Ukraine a year ago. That is a sobering reminder of how much damage can be done to our country if we let our guard down.

So, this work is important. We owe it to the American people to focus on all of the threats to the homeland, including those at the

Southern Border. I look forward to working with my colleagues to do just that.

Just expanding on the fentanyl crisis, Dr. Bier, I would ask you once again, in your judgment, where is the biggest source of the problem from a Homeland Security point of view, and what can we do as a committee on a bipartisan basis to stop the flow of these deadly substances into our country?

Mr. BIER. Well, the heart of the problem is at the ports of entry. We know this from a lot of different lines of evidence. First of all, we have a very large sample size of people who've been interdicted crossing illegally. Those people are bringing hardly anything fentanyl-wise into the country.

The other thing to look at is it's not that Border Patrol cannot interdict drug traffickers. For example, marijuana, 75 percent of marijuana arrests or seizures occur between ports of entry, and that's because the drug is too bulky in most cases to bring it through the ports. DEA's own investigations have found that it comes through ports of entry. They testified the vast majority come through legal ports of entry.

We also know because the cartels themselves are telling us this because they're warring over control of the ports of entry, they would not be fighting a war over the control of a port of entry if it was not the most valuable place for drugs to enter the country.

Chairman GREEN. The gentlemen yields back. I now recognize Mr. Brecheen of Oklahoma.

Mr. BRECHEEN. Thank you, Mr. Chairman. Thank you to the witnesses. Thank you for the impassioned plea to change a system that is leading to the death of hundreds of thousands of Americans.

As we have talked about today, this is something that is impacting all of us. I have got a young adult that I was close to many years ago. He was actually a part of my church youth group. I got word 2 weeks ago that he had, through an addiction, sad addiction, I had not been around this young man for years, he had actually overdosed 2 weeks ago. Within, you know, a text message exchange of condolences to his father, you know, the father's response was nobody should have to go through this. So, Ms. Kiessling, nobody should have to go through what you are experiencing.

In 2021, there were 299 fentanyl overdose deaths in my State of Oklahoma. In 2018, that figure was only 39 to your point earlier. That is a staggering almost 700 percent increase and we know it is attributed to what is happening at the Southern Border. Just this month, an illegal alien pled guilty for an illegal drug operation in Tulsa, Oklahoma, with 3,500 grams of fentanyl powder, 1,300 grams of fentanyl pills were discovered from his home. That is enough to kill all the residents of Oklahoma City, 650,000 people.

Two weeks ago, a young man, as I described, you know, that I was close to years ago, passed away. It hits home. In addition to that, in my district, in Bartlesville, Oklahoma, there was a 21-year-old named Zach Sanders experimenting with pills, took a pill laced with fentanyl, and he died of a drug overdose in January 2021. After his death, his mother sponsored a billboard in that city, in Bartlesville, with a photo of Zach and the words that said, "Check your pills. Fentanyl kills."

You know, what is happening is astounding. Bartlesville Police Department, the city had 12 overdose cases in 2021. In just the first 10 months of 2022, they had 53 confirmed overdose cases. We know by the national statistics, the majority of deaths, 18 to 45 years of age, is fentanyl and the climb of overdoses in correlation to fentanyl.

I am going to hold up a graphic here. It is a penny. Sheriff Lamb, this is a question to you. You know, from what we know, it is two milligrams, which is demonstrated here, of fentanyl sized against the penny. That is technically a lethal dose, enough to kill. We know that last year, 13,000 pounds, 13,000 pounds of fentanyl was seized in 2023. That is enough to kill 333 million Americans 9 times over.

So, Sheriff Lamb, my question to you in your estimation, describing this, describing—to Ms. Kiessling's point, your children were thinking it was Percocet and ended up being fentanyl, what percentage of what you are seeing, from your experience, boots on the ground, is coming from the cartel of this problem?

Sheriff LAMB. One hundred percent, sir. One hundred percent's coming from the cartels. This is also, the fentanyl, it doesn't take much at all. They're putting it in everything. They're putting in the cocaine, the heroin, the hence the marijuana. They're putting in everything.

I wanted to mention the Xylazine. I hope I can take just 1 second.

Mr. BRECHEEN. Hey, that is a horse tranquilizer, right?

Sheriff LAMB. It's a horse tranquilizer.

Mr. BRECHEEN. I grew up in the horse industry. I am interested in hearing what you have to say about this.

Sheriff LAMB. It's not approved for human use, but here's what is alarming, it's a nonopioid opioid, which means that naloxone and Narcan will be ineffective on it. The Phoenix Fire Department is starting to see it. Other States' departments are starting to see it. So, the cartels are starting to add Xylazine into the fentanyl and it will be impervious to the Narcan or the naloxone that we often administer to each other and to other people who are suffering from a poisoning of fentanyl.

Mr. BRECHEEN. So the cartels run the gamut. So, as a colleague said earlier, that you agree that we need to see them as a terrorist organization. In terms of seeing them as a terrorist organization, are they not the new form of organized crime in America, the new mob that we know? As I was on the border last week and right across from the suburbs of El Paso that we are hearing about operational city-wide control by the cartel. Why should we not be concerned that that is moving into America like the mob was able to take hold of control of areas in the United States?

Sheriff LAMB. Mr. Brecheen, we should be concerned as Americans. That violence will spill over, it has spilled over, and it will continue to spill over into America. It'll affect American lives. I mean the fentanyl already is. The DEA, I forgot to tell you, the DEA is now saying that 75 percent of the fentanyl doses they're finding are lethal doses. That's a staggering number and it's going to affect a lot of American lives.

Mr. BRECHEEN. Then quickly, Mr. Chairman, to Mr. Bier, do you think we have an invasion at our Southern Border?

Mr. BIER. There's certainly a problem at our Southern Border, yes.

Mr. BRECHEEN. Would you define as an invasion?

Mr. BIER. No, not under our Constitution. Constitutionally, an invasion is a military action by a foreign government.

Mr. BRECHEEN. So, Mr. Chairman, I will just say Article IV, Section 4, guarantees to every State a republican form of government and protect those States against an invasion. So the witness was very careful in knowing that I probably knew the Constitution the way he answered that question.

Mr. THANEDAR. James Madison agrees with that definition as well. He wrote about what constitutes an invasion under our Constitution as well.

Mr. BRECHEEN. I yield. Thank you.

Chairman GREEN. The gentlemen yields. I now recognize Mr. Garcia from California.

Mr. GARCIA. Thank you, Mr. Chairman. I want to thank our witnesses, all of them. Thank you very much for being herein, especially Ms. Kiessling. I am, of course, like everyone on the committee, very sorry for your loss.

I do want to start just my remarks by just making something just crystal clear. Democrats care about human trafficking and taking it on. We care about a safe and secure border. We agree that we need to prosecute and take on drug cartels, and we deeply care about the fentanyl crisis, which we know is happening. It is a serious issue taking on and really causing damage to communities across the country. But in listening to some of our colleagues here today, it is also pretty apparent that we also care about something that many of our Republican colleagues do not care about, and that is an orderly and humane immigration system.

Now, I am an immigrant myself. I came to the United States as a young child and I became a U.S. citizen in my early 20's. I benefited from the last time our country actually passed an immigration reform system, which was actually over 35 years ago. In fact, it was Ronald Reagan, a Republican President, who signed that bill that allowed me and my family to become U.S. citizens. So I appreciate that.

I am also a small group of Members of Congress that are immigrants, and certainly on this committee. I like to say that becoming a U.S. citizen was the proudest day of my life. I know first-hand that immigrants, like myself and like my mom, who cleaned houses and worked in clinics, cleaning clinics, are patriotic Americans. I consider myself an American patriot. I also know that real patriotism, American patriotism, is actually about helping people.

We also know that folks that are coming to our country are seeking help, many are desperate. They are coming because in the tradition of America, this is a place where we afford the American Dream to so many from across this world. We are a Nation of immigrants. So these broad attacks that we are hearing today on immigrants today, I believe is un-American.

Immigrants are not all drug dealers as some would suggest. We also, as immigrants, agree that, of course, we need to secure our

borders and have an orderly process at our border. We want to work with our colleagues to also understand that our ports of entry are also places where fentanyl is clearly coming in in huge numbers. But we also need to have conversations around drug treatment programs, mental health care, and access to care, none of which is happening today at this committee. What I don't want to do is conflate asylum seekers with the flow of drugs.

Mr. Bier, I want to thank you for your work that you have done on this topic. I would ask you to remind us once again what the percentage is of all the folks that are arrested by Border Patrol possessing fentanyl. What is actually that percentage?

Mr. BIER. Zero-point-zero-two percent.

Mr. GARCIA. So, not even 1 percent. Correct, sir?

Mr. BIER. Way less than 1 percent, less than one-tenth of a percent.

Mr. GARCIA. I think that is an important point because you wouldn't know that by hearing from so many of my colleagues here, particularly on the other side of the aisle at this committee. Is it also true that 91 percent of drug seizures at checkpoints are from U.S. citizens?

Mr. BIER. That's right.

Mr. GARCIA. So, contrary to the myth that is being, I think, proposed today by the Chairman and so many others, a vast majority of the fentanyl entering the United States is actually by U.S. citizens at legal ports of entry. Is that not true?

Mr. BIER. That's right.

Mr. GARCIA. So, Mr. Bier, consistent with your own research, I believe immigrants are also less likely to commit crimes in this country. Isn't that also true?

Mr. BIER. That's right. According to the Census Bureau, immigrants, both legal and illegal immigrants, are half as likely to end up behind bars and convicted of crimes in this country than U.S.-born residents.

Mr. GARCIA. It is pretty clear that just listening to some of our colleagues today, you wouldn't know any of those facts to be true. All of that is actually true. It is documented and I think it is important to continue to raise those not just in this committee, but across the country. So, thank you, sir.

I want to note that the Biden administration has also fought for resources to increase a secure border, as we know this, to modernize our infrastructure and technology, support border agents, improve screening at our legal ports of entry. In fact, as we know, the infrastructure bill included \$430 million for Customs and Border Protection of which most Republicans in Congress voted against. So I think it is important that at this moment we work together to deploy these resources.

Today, I especially find it troubling that my colleagues are willing to discuss fentanyl at the border, but we don't have witnesses discussing all these treatment programs, drug addiction programs, or ways to help people that are suffering or that need mental health support.

This conversation in front of us in this committee is broken and wrong. The American people are being misled by many Members

of this committee and, in the process, are demonizing vulnerable people, including immigrants across this country.

I hope we can work together to build a just and humane immigration system in our country, one that respects asylum seekers. I hope that we can get serious about addiction and universal health care. But, unfortunately, those are not the conversations that we are having here today. I am hopeful at the next committee, at the next meeting that we have, that we are not using this committee for political stunts and for misinformation.

Mr. Chairman, I yield back my time.

Chairman GREEN. The gentlemen, yields. The Chair recognizes Ms. Laurel Lee from Florida.

Ms. LEE. Thank you, Mr. Chairman. I appreciate you holding this hearing and I appreciate each of our witnesses for being here with us today to discuss this important topic. Since President Biden took office, one simple fact has become clearer and clearer every day: Border security is national security. This is an issue that affects each one of our communities. It is an issue that is endangering our neighborhoods, our families, and our children.

In my own community, authorities in Polk County recently confiscated 11 pounds of fentanyl. Following this drug bust, our attorney general announced that authorities had seized enough fentanyl in just a few months to kill every single Floridian. Our responsibility here is very serious, and I appreciate you all sharing your insights with us today.

Sheriff, I would like to begin with you and return to the subject of your staff, your resources, and the effect this is having on your operation. As a former prosecutor and judge in Florida, I understand the very broad set of responsibilities that our local sheriffs have that include investigating all types of matters, everything from bank robberies to murders, rapes, and things that are happening in the community. Can you tell us, please, how this border crisis is diverting the resources that you have and the deputies that you have away from the other important functions that you are tasked with serving in your community?

Sheriff LAMB. Absolutely. Thank you, Ms. Lee. I just wanted to comment real quick that just because they're American citizens doesn't mean they're not correlated with the cartels and doing their work. The cartels do that on purpose. So, we can sit in here and make it an immigration issue when it's really about human trafficking and drug trafficking into America, and those people that come here are being victimized.

We end up paying the price on the resource level. I have to dedicate my helicopter. We had 10 events yesterday alone where we worked with Border Patrol: one a 9-1-1 call, the other 9 of them were groups of people trying to come into this country illegally in camouflage clothes, carpet shoes. I have my 4 K-9 units dedicated completely to interdiction, catching drugs and people on the way in, and money and guns on the way back to Mexico. I have an anti-smuggling unit. We have Stonegarden units. These are all units that should be dedicated to my community to continue to protect them. However, because the Federal Government is not getting the job done on the border, and this is no knock on our troops, the troops, the Border Patrol, ICE, they're phenomenal, they do their

job, but they've become babysitters because of the amount of people coming in. Then we end up picking up the slack, and it has a tremendous impact on our resources.

Ms. LEE. One thing that I want to be sure we share with the public here today, as a prosecutor, I worked on cases that involved human trafficking, the trafficking of women and children. I would like for you to share with us what you are seeing in your community around this horror of human trafficking.

Sheriff LAMB. Absolutely. We see every day, we can go out, my guys are out working today, we'll probably stop 3, 4, or 5 vehicles piled with people, sometimes up to 15 to 20 people in a single vehicle that are being trafficked by the cartels, often being extorted because they couldn't pay the full amount at the border or being put into the sex trade. So, yes, these are the impacts that we're seeing, and we're seeing that number increase every day exponentially. It's not OK as Americans to allow people to be put into the sex trade, whether it's women or children. The cartel is doing it, and they're using American citizens to do it.

Ms. LEE. Thank you. Ms. Kiessling, I would like to now take just a moment with you. As the mother of a school-aged child, I think it is very important that part of what we do today is share with parents your story. If you would, what would you like to share with other parents, parents of school-aged children, about what happened to your sons and what you think our communities and our schools need to know about this crisis?

Ms. KIESSLING. Thank you. I was a very active parent, starting with the problem with vaping in middle school. I went to the schools and, you know, they're putting the drugs in vaping. It's not just nicotine, but they put things like molly, all kinds of things go into the vaping. These kids are getting it at a young age. That was their first addiction. I did everything a parent should do.

There weren't resources at the school. My friend, I mentioned her, my former law partner's husband is a sheriff's deputy, he's a detective. He said when there's identity theft, they have a huge packet for everybody. They have stuff on the sheriff's website, everything you need to know how to restore your identity. There's nothing on fentanyl, there's nothing on Narcan, there's nothing that parents need to know.

When I asked for resources, we had a sheriff deputy in the school every day. Again, this is a top 5 school in the State of Michigan. They said, well, there's a program. You can take your kids to, you know, the jail and have them visit. That was it. I mean, there were no resources. I asked them for resources, for information for drug addiction. They had nothing. There was nothing for parents like me.

You know, I tried. It's not for lack of trying. My kids grew up, their birth mother was a drug addict. She died 6 months after them. Their uncle died a month after them. He was actually doing fentanyl on purpose.

My son had 4 times—I'm sorry, 5 times the amount of fentanyl in his system that was enough to kill. Again, this is not an overdose. This is poisoning. It's murder. It's homicide. Please use that language. Please don't say overdose. You know, you need to have Narcan in your home.

The Federal program that the State had for the money that they were getting from the Federal Government for rehab was not real rehab. It was just a flophouse. We need real rehab.

Ms. LEE. Thank you for being here and thank you for sharing your story. Mr. Chairman, I yield back.

Chairman GREEN. The gentlelady yields. I now recognize Mrs. Ramirez from Illinois.

Mrs. RAMIREZ. Thank you, Chairman. We have heard a lot of fearmongering and name-calling today. I have to say, every time our undocumented community is referred to as illegals and criminals, it shows how my Republican colleagues choose to recognize or not recognize someone's basic humanity. It is a choice, a policy choice with real consequences. As the only—only—Member of Congress in a mixed-status family, you are saying that my family, my husband and I, should be broken apart.

Today's hearing is called, "Every State is a Border State," and it is clear that the intention is to stoke fear and hate. I am proud to represent the people of Illinois, Third Congressional District, all people, regardless of their status. Twelve million of our neighbors are still lacking legal status and they are facing deportation right now.

To be absolutely clear, and I want to make sure it is on the record, we need humane, comprehensive immigration reform, and we need it now. We need to uphold the right to asylum. In the mean time, we need protections in place against deportation, and we need work permits issued for all 12 million people.

Mr. Bier, there are approximately 600,000 DACA recipients. They pay \$6.2 billion in Federal taxes and \$3.3 billion in State and local taxes every single year. DACA recipients, like my husband Boris, aren't children anymore. Many of them are parents themselves. They are homeowners. They are teachers. They are child care workers. They work in our hospitals. These numbers don't even count the many undocumented immigrants who are not DACA recipients, who pay payroll taxes, who pay into Social Security, but can't claim the benefits themselves.

I strongly support protecting and expanding Social Security. At a time when some of my colleagues on the other side of the aisle would even consider cutting Social Security, what are the consequences of deportations on our country's ability to keep Social Security solvent?

Mr. BIER. The Social Security Administration estimates that we have a shortfall of about 70 million people that we will need by 2050 to keep payments in line with the revenues that they're receiving. So, deporting 10 million people would certainly not be in the interest of maintaining Social Security payments.

Obviously, people who are in this country are paying taxes. You've mentioned the payroll taxes. The vast majority of these people are working through borrowed identification or other means by which they ultimately do pay taxes. So, it's not the case that all people who are working under the table, that's not how it happens in most cases.

Mrs. RAMIREZ. Thank you. So, let us talk about the border. For those of you that know me, know my story well, my mother crossed the border 39 years ago, pregnant of me. If it weren't because she

crossed the border, escaping poverty, nearly dying, escaping rape, and all the things that she experienced, this woman here wouldn't be the first Latina in the Midwest in Congress. So first, I want to say thank you to all of the people who courageously risk everything so that they can escape poverty and save their lives coming to a place where we call America that we love so much.

Many immigrants arriving at the Southwest Border are fleeing dire situations right now, and they are making that journey through jungles and through deserts to the border extremely vulnerable. Recently, the administration proposed a rule limiting migrants' eligibility to apply for asylum with CBP's One app. Now, let me ask you, if they travel through another country before arriving to the U.S. border and did not seek asylum first, like a similar measure that was attempted with the Trump administration and the courts didn't allow, what would happen to an asylum seeker who did not have access to a smartphone or couldn't use the CBP One app application?

Mr. BIER. Well, if they cross the border illegally, because that would be their only other option, then they would be removed. The administration is talking about removing people to Mexico again, possibly removing people to their home country if they can. In either case, what we've seen under Remain in Mexico in Title 42 is that when you ban asylum and you send people back to Mexico, they recross the border illegally. It creates a more dangerous and less secure border. We keep hearing about these evasions. Well, if people can request asylum and enter this country legally, then we do not have this problem.

Mrs. RAMIREZ. Thank you, Mr. Bier. I would just end in saying that we have to stop criminalizing people and we have to get to the root cause of the problems. That is what I intend to do in this committee.

I yield back, Chairman.

Chairman GREEN. The gentlelady yields. I now recognize Mr. D'Esposito of New York.

Mr. D'ESPOSITO. Thank you, Chairman. First, I want to comment that this past weekend we made a trip with the Homeland Security Committee. This was my second trip to the border. At no point in speaking to local business owners, at no point in speaking to educators, and no point in speaking to farmers or law enforcement, at no point did they ask what party we were from. So, the claims of my colleagues from the other side that we are politicizing this is absolutely ridiculous. The fact of the matter is, is that we want to give people the opportunity for the American Dream, but we want them to come through the front door and we want to do it the right way.

The Biden border crisis is more than illegal immigration. Criminals, weapons, illegal narcotics are coming across the border in alarming numbers. In fact, the vast majority, 74 percent, of MS-13 members that the Department of Justice have prosecuted from 2016 to 2020 were unlawfully present. Sadly, Long Island is all too familiar with the destruction of violent gangs like MS-13. Just last month, an MS-13 member pled guilty for the murder of an 18-year-old in Cow Meadow Park in my district, in March 2021, and

the attempted murder of a Nassau County Police Department detective.

Sheriff Lamb, I want to first thank you for your service. As a former NYPD detective, I committed, like you, my career to keeping our streets safe, and I know the value of every single layer and level of law enforcement. Can you talk about the differences between your relationship now with the Federal Government during the current Biden administration versus the last administration?

Sheriff LAMB. Yes, sir. Thank you, Mr. D'Esposito, and thank you for your service as well.

Night and day difference. Night and day difference. We always have a great working relationship with Border Patrol, ICE agents, but it stops outside of the State of Arizona that did. As a sheriff, I went to the White House 10 times under the last administration, not for political reasons, but to address these same issues. We felt like we had a seat at the table. We no longer feel like we have a seat at that table.

Mr. D'ESPOSITO. Thank you. In what ways do you believe our country's current border policies incentivize gangs and other criminals to enter this country, specifically in the cartel and their involvement?

Sheriff LAMB. You know, we can talk politics all day, but when we ask people why they came here, they said because Joe Biden said we could. This is the reality of what we deal with every day. So, clearly, the policies that have been—whether you call them open borders or not, they are affecting people coming here, and the cartels are taking advantage and marketing to people in other countries to come. By default our lack of policies or weak border security is actually bringing those people to the doorsteps of the cartels to be enslaved, to be taken advantage of. Like the—Ms. Garcia mentioned, these are good people, many of them, but they're being taken advantage of by the cartels that our policies have encouraged.

Mr. D'ESPOSITO. Absolutely. Thank you. Thank you again for your service.

As you know, New York City Mayor Eric Adams had to beg for Federal assistance for putting arriving aliens in hotels and building make-shift shelters throughout the five boroughs at a rate of \$65,116 per individual. Our mayor estimates that New York City taxpayers will need to spend \$2.8 billion, \$2.8 billion with a B, in the next fiscal year to deal with the rapid influx.

Doctor, according to your testimony, as CEO of the Yuma Regional Medical Center, your hospital has seen a massive influx of migrants seeking care starting in the fall of 2021. It is similar to the educators that we spoke to across the border and, quite frankly, the ones that I am talking to across Long Island that are having budget shortfalls because they don't budget for the new individuals coming to the school in the school year. How many of these migrants have no way to pay for the care provided in your facilities? Can you speak to the true cost of Joe Biden's border crisis on the American economy?

Dr. TRENSCHEL. We've not received any compensation for any of the migrants that we've provided care to. The border policy has been significant for us. As I said, Yuma's got a population of

100,000 people. We've had 300,000 people cross the border and we're the only hospital they can come to. All that care provided to them is for free. It impacts our organization significantly. Those are dollars we would normally put back into the community, put back into resources to serve additional folks.

Mr. D'ESPOSITO. Well, Doctor, I guess you would probably agree, it is not free. We are paying for it. It is definitely not free.

Dr. TRENSCHEL. Correct.

Mr. D'ESPOSITO. Mr. Chairman, I yield back.

Chairman GREEN. The gentleman yields back. The Chair recognizes Mr. Goldman from New York.

Mr. GOLDMAN. Thank you, Mr. Chairman. Sheriff Lamb, do you believe that Donald Trump won the 2020 election?

Sheriff LAMB. Well, Joe Biden is the President now.

Mr. GOLDMAN. No, what do you believe?

Sheriff LAMB. I believe that he lost the election. I mean, there's questions about how our election integrity—I don't know how that relates to homeland security, but I have questions and I—

Mr. GOLDMAN. Wait, sorry, you don't know how election integrity relates to homeland security? Is that your testimony?

Sheriff LAMB. My testimony is it does relate because we're seeing how bad it's been under the last 2 years. So yes, it has a correlation.

Mr. GOLDMAN. Election integrity?

Sheriff LAMB. What's that?

Mr. GOLDMAN. You said you don't believe election integrity relates to homeland security. Is that your testimony?

Sheriff LAMB. I don't know how this election, the question of whether I think the last President won or lost it, is about this today. Election integrity absolutely matters.

Mr. GOLDMAN. OK.

Sheriff LAMB. I believe that there are a lot of Americans that have questions about election integrity. My job is to make sure that we ensure that we have safe and secure elections.

Mr. GOLDMAN. Do you believe that there was fraud in the 2020 election?

Sheriff LAMB. There's always fraud in every election.

Mr. GOLDMAN. Really?

Sheriff LAMB. There's significant—whether—however many people it is, there are people that vote for people that are no longer—that are deceased. There are people that vote when they don't live in a certain residence.

Mr. GOLDMAN. You are right. So, let me ask you this question. Do you think that there was fraud that had a material impact on the results of the 2020 election?

Sheriff LAMB. As a law enforcement official, I have seen zero evidence that would show me otherwise.

Mr. GOLDMAN. Right. Do you believe that those people who invaded the Capitol on January 6 were "very loving Christian people"?

Sheriff LAMB. I think that there were a lot of good people there that were exercising their First Amendment right. I think they have in many ways been lumped in with a group of people that had bad intentions.

Mr. GOLDMAN. OK. So, you would agree that not everyone at the Capitol on January 6 would be considered a loving person?

Sheriff LAMB. I agree that there were people that violated the law and I think those people are being held accountable.

Mr. GOLDMAN. OK. Because you have been quoted as saying that the rioters who were there on January 6 were very loving Christian people. Did you see the videos that day on January 6?

Sheriff LAMB. Yes, sir. I've seen a lot of videos where there were a lot of good people that were not rioting. You're saying that the rioters, that's different than the people who are coming in exercising their First Amendment rights. Those people—

Mr. GOLDMAN. So, you don't support—

Sheriff LAMB [continuing]. Had every right to exercise their First Amendment right.

Mr. GOLDMAN. You don't support the rioters who beat the police and invaded the Capitol. Is that right?

Sheriff LAMB. Absolutely not. I am a rule of law guy. If you broke the law, you should be held accountable.

Mr. GOLDMAN. So, do you support then the 950 prosecutions that the Department of Justice has brought arising out of the events of that day?

Sheriff LAMB. Well, I know nothing of those 950 prosecutions. I wasn't there for them. I don't know the details of those cases. So, for me to come and say that I support every one would be a little bit naive because I don't have the information.

Mr. GOLDMAN. Sure. Do you support the 10 convictions that the DOJ has obtained for seditious conspiracy?

Sheriff LAMB. I am unaware of the 10 convictions nor do I know anything about those cases.

Mr. GOLDMAN. Really? Because they involve the Proud Boys and the Oath Keepers. Are you familiar with those organizations?

Sheriff LAMB. I am aware of the Proud Boys and the Oath Keepers.

Mr. GOLDMAN. Have you ever interacted with them or spent any time with them?

Sheriff LAMB. I know what you're alluding to. I went to a 2A rally and had some people come shake my hand, who I now—somebody says they're Proud Boys. They had no indication of that.

Mr. GOLDMAN. Did you host a rally for your future Senate run where there were Oath Keepers and Proud Boys there?

Sheriff LAMB. No, I did not host a rally. There was a 2A rally where I mentioned that I was strongly considering a Senate run where I have now learned that there were some Proud Boys there.

Mr. GOLDMAN. Would you agree with me that seditious conspiracy is a conspiracy to overthrow the Government through violence?

Sheriff LAMB. I'm not sure what the code says exactly, but that sounds pretty familiar.

Mr. GOLDMAN. OK. Would you agree that the violent overthrow of our Government is a threat to our national security?

Sheriff LAMB. Absolutely.

Mr. GOLDMAN. I asked that question because you have been on record as questioning many things about the 2020 election, many things about the January 6 events, and you just said that election

integrity is not directly related to the subject of our hearing today, which is our homeland security. I am happy to hear that you agree with me that the conspiring to overthrow our Government, as members of the Proud Boys and Oath Keepers were convicted of, is a threat to our homeland security and is a threat to our national security.

Last question. Do you think that the Mexican drug cartels were created in 2020?

Sheriff LAMB. No.

Mr. GOLDMAN. They have been around for a long time, haven't they?

Sheriff LAMB. Yes.

Mr. GOLDMAN. OK, I yield back. Thank you.

Chairman GREEN. The gentlemen's time has expired. The Chair recognizes Mr. Ezell from Mississippi.

Mr. EZELL. Thank you, Mr. Chairman. I appreciate the opportunity to discuss how the Biden administration's failure to secure the border affects not just the States along the Southern Border, but also spreads through communities in Mississippi and across our Nation.

Sheriff Lamb, first, I want to thank you for your service and your willingness to testify today. As a former sheriff, I applaud the work that your deputies and yourself are doing, and I know the increase in drug seizures has been great and a big burden upon you. However, as we both know, the more illicit drugs that are caught, the more we are missing.

Based on your experience, how have the drug trafficking networks expanded their operations since 2020?

Sheriff LAMB. They've expanded their operations tremendously. As we heard earlier one of the Members mention, they were making about \$500 million a year. They are now making about \$13 billion a year. They're doing it large in part on taking advantage of these people that are trying to come make a better life for themselves. They are paying cash up front, which is only emboldening the cartels and giving them a lot of money on hand to be able to buy weapons and increase their footprint along our Southern Border.

Mr. EZELL. Thank you. What action should the Federal Government take to stop the flow of illegal drugs into our communities?

Sheriff LAMB. We should secure our Southern Border. That includes continuing building the wall where it hasn't been built, increasing the amount of Border Patrol agents we have, increasing technology, turning on the technology that is there that has been—not been turned on for political reasons. These are all things that need to happen so that we can continue to get back to securing our border and helping these people who are being trafficked and the drugs from killing American lives.

Mr. EZELL. Thank you for that. Unfortunately, fentanyl poisonings continue to surge. In a single year, fentanyl deaths more than doubled in my home State of Mississippi. In your testimony, you call the I-10 corridor that runs straight through my district—and I would like to hold up this photo of an I-10 seizure in Jackson County, Mississippi, which is over 1,000 miles away from the Southern Border. Here you can see 29 pounds of mixed heroin and

fentanyl which was found in a single traffic stop. Clearly, border counties are not the only ones affected by this crisis.

Does your department have the resources it needs to handle the surges in smuggling and traffic incidents?

Sheriff LAMB. No, sir, we do not have the resources. We do the best we can with what we have. We're proud of what we do stop, but there's a lot more that needs to be done.

Mr. EZELL. When you come in contact with a human drug smuggler, how does your department determine where these criminals are heading?

Sheriff LAMB. Through a series of questions. We have a lot of guys that are very skilled at what they do in interdiction, recognizing things that don't line up in their statements. Then we start to work that back and figure out where it came from. A lot of them, as you can imagine, don't like to talk to us and don't like to tell the truth, but we do the best we can to find out where they came from.

Mr. EZELL. One problem that we had in Jackson County, which is still a problem, if we end up taking one of these folks that we have arrested to the hospital, do you have to spend resources and manpower on sitting on that person that is in the hospital?

Sheriff LAMB. Mr. Ezell, yes. In the case that they committed a crime, let's say they ran from us and we pursued them, there was a crime, we would have to sit on them until we could book them in. In a case where there was no crime committed, we would not have to go sit with them. They would be turned over to Border Patrol and Border Patrol would likely take that.

Mr. EZELL. But that would take a man off of his duties on patrol and have to sit in the hospital.

Sheriff LAMB. Yes, sir, it would.

Mr. EZELL. Well, thank you for your answer. The Biden administration has allowed the crisis at the border to persist. As we have shown today, every State is a border State.

With that, Mr. Chair, I yield back.

Chairman GREEN. The gentlemen yields. The Chair now recognizes Ms. Clarke from New York.

Ms. CLARKE. Thank you, Mr. Chairman. I thank our Ranking Member, I thank our witnesses for their testimony here today.

The mission of the Homeland enterprise is vast and complex. It is important for the success of the Homeland mission that we focus on the challenges of law enforcement in the midst of an urgent migrant crisis. The conflation of the opioid and fentanyl crisis with asylum seeking is quite unfortunate. It distracts from the real work of surging resources and personnel required to win against drug cartels and drug dealers. As the daughter of immigrants, I find it extremely distasteful to sit here and look at how we have used the plight of our fellow Americans to exploit what is clearly xenophobia.

Ms. Kiessling, I am deeply sorry for your loss. But I know that with the proper resources dedicated to drug programs, drug rehabilitation, education, some of the things that you mentioned to some of my colleagues that you did not have access to in your child's high school, we could save many more lives. I hope that you will become a more vocal advocate for delivering those resources to

your community because I will stand shoulder to shoulder with you in making those resources available.

Dr. Trenchel, you have a hospital that could do great work in that space. I hope you, too, will become an advocate for the type of treatment that our Nation needs to get past what has been a decades-long addiction crisis.

Our decades-long broken immigration system needs reform. I am hopeful that when we clear the air of the smoke that has been—the smokescreen that is been erected by those who would use our crisis of addiction to demonize those migrants who have risked life and limb seeking safety and freedom in one of the greatest nations in the world, that we will get down to the business of a 21st-Century immigration system in the United States of America.

Mr. Bier, you mentioned that immigrants to be key contributors to our economy, and having a restrictive immigration system only leads to millions of people who want to contribute their skills and hard work to do so illegally, which leads to violations of the law. How can we ensure that immigrants who are big contributors to the American economy can have lawful pathways while they are awaiting legal status without the fear of being ripped away overnight and sent back to the dangerous conditions from which they have escaped?

Mr. BIER. We have to start by looking at what's causing people to come to the border. Of course, when you look at Cuba and Venezuela, these are socialist governments that have destroyed their economies and trapped people in poverty for many years now. Nicaragua is going in an authoritarian way. We've seen what's happening in Central America with the violence and crime there. Mexico, we hear all the testimony about the cartels and the violence that is occurring. People are coming because they're being driven out, not because they really want to leave their homes. So we need processes and procedures that allow them to apply to come legally, and that will free up resources for law enforcement to come.

We've already seen successful programs to do this, whether it be the Ukrainian program we talked about earlier or the programs for Venezuela and these other countries that were just rolled out in January, saw a massive drop in people arriving. That's because people know if they can apply legally, if there's a viable shot, they will go the legal route because of all of the risk coming illegally to this country.

Ms. CLARKE. Thank you very much. Not to mention Haiti.

Mr. BIER. Of course. Right, I'm sorry.

Ms. CLARKE. With that, Mr. Chairman, I yield back.

Chairman GREEN. Thank you. At this time, I will recognize the gentleman from the great State of Alabama, Mr. Strong.

Mr. STRONG. Thank you, Mr. Chairman. To the witnesses, I thank each of you for joining us here today.

As my colleagues mentioned, last weekend several of us were able to make a trip to the Southern Border and witness first-hand this administration's border crisis. This trip confirmed what we already knew to be true: our Southern Border is in crisis. It is hard to imagine anyone could reach a different conclusion.

The impacts are felt all around the country. My district specifically has seen a drastic rise in the number of fentanyl-related

deaths. We are also seeing more drugs on the streets, which many local law enforcement officers attribute to the Mexican cartels and this administration's immigration policies.

I have spent almost 4 decades as a firefighter-emergency medical technician and have personally worked over 100 overdoses. I believe it is no coincidence that the last 2 years have seen a drastic uptick in these calls.

I have several photos here to share with you today. Each of these are from drug busts in Madison County, Alabama, within the last 6 months. I am proud of the tireless work of the law enforcement officials to get these drugs off the streets of our community.

These three pictures alone amount to enough fentanyl to kill the entire population of Alabama. This is from only two seizures in Madison County, each of which originated in Mexico. You will notice that in these pictures, STAC team badge number 12. That right there is Officer Billy Clardy's badge. He went to Sparkman High School. We went to school together. He was killed in Huntsville, Alabama, on December 6, 2019, working to protect North Alabama from these drugs and was killed by a drug dealer.

This issue is not a Republican issue. It is not a Democratic issue. It is an American issue, North, South, East, West; rich, poor; Black, White, Latino, Indian. Drugs do not discriminate. Every family has been affected one way or the other. Fentanyl, heroin, cocaine, human smuggling is rampant at the Southern Border. No American is safe.

Ms. Kiessling, I am sorry for the circumstances that have brought you to this United States—to this hearing. No parent should have to experience what you have. As a father, my heart goes out to you. You may have seen reports that a province in Canada will decriminalize possession of several drugs, including heroin, morphine, fentanyl, cocaine, methamphetamine, and MDMA. Do you think this is the right approach to take?

Ms. KIESSLING. In Oregon, they've been legalizing or decriminalizing a bunch of different drugs. Fentanyl is not something that you can just control like that. Fentanyl is used for anesthesia and surgery. So, you have to have an anesthesiologist present to make sure someone doesn't die. OK? What, are we going to have a country full of anesthesiologists provided for all of them?

I heard him say, oh, you know, let's make fentanyl strips available. You know, so many of the children that are dying are young. They have no knowledge of anything like this. You think the drug dealers get—they're trying to kill off our children. The reason why they're adding this new drug in, the sedative for—you know, tranquilizer for horses, is because they don't want them to be saved by Narcan. They're trying to kill off our population. This is a war.

Mr. STRONG. Thank you. You mentioned that drugs were indeed from Mexico. Does it make you feel better to hear this administration says there is no crisis at the Southern Border?

Ms. KIESSLING. Complete ignorance. That's absolutely clueless to say something like that.

Mr. STRONG. Thank you. Sheriff Lamb, thank you for being before us. I have had an opportunity to meet you once before. In your testimony, you highlighted the importance of local law enforcement in dealing with the crisis at the border. Over the last several years,

some of my colleagues across the aisle have called to defund law enforcement and police. What would that mean for local efforts at the border if law enforcement agencies did not receive—if they were to start cutting funding?

Sheriff LAMB. That's a great question, sir. If you cut out the local funding, it would be even worse of a problem. A lot of the stops you're seeing and a lot of the busts, the drug busts, are happening on a local level because it's getting through the borders. So, even though they say 90 percent is happening at the checkpoints, in Arizona, it's 52 and 48 percent.

Mr. STRONG. Yes.

Sheriff LAMB. So, the majority of ours is—half of it is still coming through between the checkpoints.

Mr. STRONG. Thank you. Dr. Trenchel, as you are well aware, we have an opioid crisis in the United States, particularly with fentanyl's rise in popularity. Prior to the border crisis, how often would you say that you have treated patients for fentanyl poisoning?

Dr. TRENSCHEL. It's definitely gone up since the borders were opened. I don't have those specific numbers, but it's definitely an increase.

Mr. STRONG. Thank you. Within the last 2 years, have you experienced an increase in treating patients with fentanyl poisoning?

Dr. TRENSCHEL. Yes, we have.

Mr. STRONG. Could you please describe what the treatment for fentanyl poisoning entails and the average cost to treat—

Chairman GREEN. The gentlemen's times has expired.

Mr. STRONG. Thank you, Mr. Chairman.

Chairman GREEN. I need to move on. I now recognize Ms. Titus from Nevada.

Ms. TITUS. Thank you, Mr. Chairman. You know, we have heard a lot about fentanyl, which is tragic certainly, everybody agrees with that, and also other illegal drugs brought by criminals, brought by drug dealers, brought by cartels. This is a crisis at the border. But I want to go back to something Mr. Swalwell brought up a little bit, just for emphasis.

I would like to remind this hearing and these folks who are here that when this came up for us to consider putting more resources into fighting this drug-carrying over the Southern Border, there are all but two—two—Republicans who are currently serving in this Congress voted against the appropriations bill. All but two voted against it.

Now, that appropriations bill had critical provisions to help DHS manage the border. It included \$400 million for inspection systems to detect drugs. I would like to hear from those people who think this is such a big problem, why they didn't vote for the resources to go after it, so we wouldn't have tragedies like the deaths from fentanyl. We wouldn't have the cartels coming over here. We wouldn't have the crisis at the border. We would be doing something about it. But no, only two Republicans voted for those resources in the appropriations bill to deal with these questions, these problems, these crises that you all have mentioned and harped on throughout this hearing.

I would like to change the subject just a little bit to talk about the immigrant communities in this country. I live in Las Vegas. It is an international city. People from all over the world come there and people from all over the world live there. We have growing populations from Asia as well as from Latin America. They work back of the house, front of the house, gardening. They are contributing members to the community. I have a lot of mixed-status families. You will have one person who is a citizen, one person who is a DREAMer, one person on TPS, and one person who may not even know what their status is, but they are all contributing to the economy.

Mr. BIER, would you talk a little bit about some of the ways, positive ways that immigrants who come here do make contributions to our economy, to our culture, to our society in general?

Mr. BIER. Of course. I mentioned \$250 billion in State and local tax revenues that are paid by these people. They work at higher rates. They are employed in occupations that actually create jobs for other U.S. workers. So, if you look at a restaurant, you'll see the immigrants. A lot of times they'll be working in the back of the restaurant creating jobs for Americans in the front of the restaurant. The same thing goes on across the entire economy.

These people are contributors. They're expanding the economy by trillions of dollars every year. That's helping bring down the cost of goods and services because the more our economy grows, the more items are available on the shelves of every store in America. That's a benefit directly to Americans.

Ms. TITUS. I just met with the National Franchise Association and the Latin Chamber in Las Vegas and we were talking about how franchises often help people become more prosperous and contribute to the community because they fund the Little League teams and things like that. Most of the franchises in Las Vegas have been opened in the last several years by immigrants. Women, immigrant women are going into small businesses and building those numbers, just as you said.

Mr. BIER. We know that immigrants are twice as likely to be entrepreneurs than U.S.-born residents. It's part of their culture, right? If you're willing to get up and be entrepreneurial enough to come and change what country you're living in, you are willing to take another risk to start a business and contribute in that way, which also benefits consumers by having another option available to them.

Ms. TITUS. Could you mention briefly, you said it before, but about the guest worker programs that could go all year that might be helpful to areas dependent on tourism, like Las Vegas?

Mr. BIER. Oh, absolutely. So, we have two seasonal guest worker programs for nonagricultural and agricultural. But you cannot get a guest worker visa for industries like dairy and livestock that are year-round and have a need throughout the season.

Of course, also in Las Vegas, you're dealing with tourism. Again, they're ineligible for these visas because of the fact that you have to show it's a seasonal nature, a temporary job. So that restriction is ultimately creating this process, why people come over to fill those jobs, they're coming in illegally because there's not a legal option available to them.

Ms. TITUS. It is no longer just a season in Las Vegas, it is a year-round.

Mr. BIER. Yes, absolutely. It's, you know, the growth of tourism industry in many places desperate for workers. You're seeing—I've seen it, I'm sure every Member of this committee has seen it, the decline in service as a result of the worker shortage throughout the country.

Ms. TITUS. Thank you very much. I yield back.

Chairman GREEN. The gentlelady yields. Without objection, the gentleman from Arizona, Mr. Ciscomani, is permitted to sit on this panel and ask questions of the witnesses.

Mr. CISCOMANI. Thank you. Thank you, Mr. Chairman. Thank you to my fellow Members of the committee for allowing me to wave onto this committee as a guest to have the opportunity to discuss such an important issue to my community. I want to thank the panel as well for taking the time to be here with us.

A little background, I was born in Mexico. I am an immigrant myself. First time I was on Capitol Hill was in 2003 as an intern and I still had a green card at that time as an adult. I am back now 20 years later as a Member of Congress. Only in America can we have these kind of opportunities. This is the land of opportunity. Like Mr. Garcia and Mrs. Ramirez, we enjoy the opportunities this country offered us and our parents. That is why I am so proud to be here, so proud to be an American, and so proud to be an immigrant as well, serving in Congress today.

I really believe that we can have a conversation about immigration and about border security. I care about both. I have lived both, obviously, being an immigrant and also living in the border community. Today I think it is important to focus the issue of what we are talking about.

My case and my question for the sheriff—thank you for being here, Sheriff Lamb, and I appreciate your time in making the trip up here. It is always good to see you at home, but always nice to see you here as well. It is around the area that we have been discussing around fentanyl.

In Arizona, fentanyl trafficking has taken its toll on our communities. More than 8,600 pounds of fentanyl have been seized along the Southwest Border in our first 4 months in this fiscal year. This is enough to kill more than 1.9 million people. Could you speak on the impact that this has on our young children and those who are true victims?

I want to take the chance real quick to, ma'am, offer you my deepest condolences. I am a dad of 6, 3 boys and 3 girls. I can't imagine the pain that you have gone through, and I thank you for your bravery and being here. I have actually spoken to two different mothers this last week that have lost their children to this tragic crisis.

Sheriff, would you mind speaking on the fentanyl issue, please?

Sheriff LAMB. Yes, sir. Thank you. It's always great seeing your honor, Mr. Ciscomani.

Yes. The fentanyl is the leading cause of death not just amongst Americans between the ages of 18 and 45, it is the leading cause of death amongst children in Arizona. Forty-four children in 2021 died from fentanyl poisonings, 7 were under the age of 1, 2 were

under the age of 5. Those are some staggering statistics. In my county, we are at 73, in 2021, people that were poisoned, not just children. Now that is—the number is currently sitting at 61. Until we get all the numbers back in from the medical examiner, we will exceed that 73 as well. So, it's a big problem for our children.

Here's the key point, and it's been mentioned earlier: it is 100 percent preventable. In our jail I do a ton of reentry programs. I help people with mental health addiction, drug addiction. We work tirelessly because inevitably the sheriff's office, we are your de facto mental health institutes, and we have to deal with more addiction issues than most people do. So we work hard to try to stop it, but it is affecting our children.

Mr. CISCOMANI. Thank you, Sheriff. I will take one more question. I want to be respectful of the time. Right on the I-10 that goes through your entire county, I call that, and many others, too, the artery of our State for trade, for commerce, for transportation between the two major cities in the State, also for trafficking. One of the things that we have been seeing is an increase in high-speed chases in this area, many that are starting in Cochise County and then go through Pima County and also Pinal County, where lives are being lost not only of bystanders and innocent drivers, but also of those being trafficked in these infamous rollovers that we are seeing an increase on. Would you mind touching on that as well, please?

Sheriff LAMB. Absolutely. One of the statistics we had is 461 percent increase in the last 2 years for pursuits involving human trafficking. A lot of times these are kids driving, so they run and they have 10 people in their car. A lot of times they'll lose control of the vehicle, causing the injury and death to not just themselves sometimes or innocent citizens, but also to those people that are just trying to come here to make a better life. They become the victims of this as well.

Mr. CISCOMANI. Thank you, Sheriff. Again, thank you to the panel and thank you to my colleagues.

Mr. Chair, I yield back.

Chairman GREEN. The gentlemen yields back. The Chair recognizes Mr. Garbarino from New York.

Mr. GARBARINO. Thank you, Mr. Chairman. Thank you, Ranking Member, for having this hearing, and all of our witnesses have been here for quite a long time today. We really appreciate it. But this just shows, I think, I have been here, this is my third year here and this is probably one of the best attended hearings from Members with all the questions. So I think you can all understand how important this issue is.

I am from New York, as you heard, Long Island, and as we have heard today that fentanyl does not discriminate. No family, no community, no region is safe from the threats presented by trafficking a fentanyl across the border. In 2021, Suffolk County, where I am from, lost 425 residents to overdoses from opioid pain relievers, including fentanyl. New York State Health Commissioner reported last year that three-quarters of all overdose deaths in New York State now involve fentanyl.

Sheriff Lamb, you mentioned in your testimony the number of fentanyl pills seized by your deputies increased by 610 percent

since 2020. I know my colleague, you just answered a couple of questions about what your deputies are doing. Can you get a little more involved into what some of the technologies your team has found useful in detecting these pills that the cartels are bringing over?

Sheriff LAMB. Absolutely. Thank you, sir. There is a lot of technology you can use that will test the density of the vehicle to be able to see if they're packing it inside the vehicles. But a lot of this stuff is very rudimentary. We had a vehicle that we stopped that had three trays of food in it. Our deputies were searching the car, moved one of the trays, it was heavier than it probably should have been, they stuck a stick inside the tray. It only went down about this deep in a tray this deep. So, then they scraped the food back only to find three trays had 227,000 fentanyl pills in those trays of food.

We also stopped a car that had a driver. The passenger in the front seat was dressed as a nun. She had a veil over her face. She had a Bible on her lap. Our investigation ended up revealing that she had 8 pounds of granular fentanyl, which would kill millions of people, underneath her dress in that traffic stop. They will use every tactic they can.

Mr. GARBARINO. So what do you need from us? What kind of tools can we send you?

Sheriff LAMB. Well, I'm a big States rights guy. I would love for the Government to back off and let the States do our deal. But we would love—

Mr. GARBARINO. But, I mean, if we could send you some technology or some, you know, some actual, you know—what technology could we do? Not rules, not, you know, mandates. But what could we give you? What could Congress send you that would help you do your job?

Sheriff LAMB. Sir, I appreciate you asking that. I would love—we could use drones. We could use some of these—the, I'm not sure, the thermometer—the thermal machines that actually read the thermal of the vehicle.

Honestly, we could just use more funding for resources, getting our guys out on the streets. A lot of this is stopped, just like I mentioned earlier, with good old-fashioned police work, and the guys not willing to give up.

Mr. GARBARINO. I appreciate that. I am not sure if the clock started, but I guess I—

Chairman GREEN. I think it started. Yes, I think your time is up.

Mr. GARBARINO. I will yield back. Thank you.

Chairman GREEN. All right. The gentleman yields. I think the Ranking Member wanted to add something to the record, so I now recognize Mr. Thompson for the purpose of placing something into the record.

Mr. THOMPSON. Thank you very much, Mr. Chairman. I ask unanimous consent to submit statements from the First Focus campaign for children, Human Rights First, and Coalition for Human Immigrant Rights.

Chairman GREEN. So ordered. Thank you, Mr. Chairman—or Mr. Ranking Member.

[The information follows:]

*Submitted for the
record by MR. Thompson*
#2



Statement for the Record of

Human Rights First

On

House Committee on Homeland Security

"Every State is a Border State: Examining Secretary Mayorkas' Border Crisis"

February 28, 2023

I. About Human Rights First

Human Rights First is an independent, non-profit organization that for more than four decades has pressed the United States to take a leading role in promoting and defending human rights. Established in 1978, Human Rights First's mission is to ensure that the United States is a global leader on human rights. The organization works in the United States and abroad to promote respect for human rights and the rule of law. The organization's work includes advocacy and action to uphold the right to seek asylum and to counter the antidemocratic extremist movement that represents an existential threat to our democracy. The organization also partners with many of the nation's leading law firms to provide pro bono legal representation to refugees seeking asylum, and over the years has helped thousands of refugees receive asylum in this country.

II. Overview

Human Rights First is alarmed at the scale and dangers presented by orchestrated rhetoric that paints migrants and people seeking asylum at the U.S. border as a threat or an "invasion." Human Rights First's experts on extremism and antisemitism have repeatedly warned that this rhetoric leads directly to increased violence, and threatens our multiracial democracy. One invited witness has a [history of perpetuating disinformation and bigoted rhetoric](#). As outlined below, lawmakers must refuse to provide a platform for this rhetoric. Rather, they must call out this racist fear-mongering and counter disinformation with reliable and accurate data regarding the right to asylum, the U.S. immigration system, and current conditions at the border.

We cannot allow bigoted narratives and disinformation to dominate critical conversations about immigration policy and our nation's asylum laws. Instead of prolonging, codifying, using, or resurrecting unjust, inhumane, and dysfunctional policies aimed at decimating asylum that were initiated under the Trump administration, the Biden administration and Members of Congress should uphold U.S. refugee law, the human right to seek asylum, and U.S. commitments under international refugee law. This includes abandoning efforts to ban or deny asylum to refugees who are otherwise eligible for asylum under U.S. law.

Instead, the United States should lead by example, uphold refugee law at home, and take the other steps outlined at the end of this statement.

III. Anti-Immigrant Narratives Pose Violent Threat

Bigoted and dangerous rhetoric targeting immigrants is now commonplace among a growing number of elected officials who use fear-mongering as a political strategy. Portraying asylum seekers as [violent "invaders"](#) or pawns in a malevolent and orchestrated takeover, these narratives represent merely the most recent adaptations of white supremacist conspiracy theories. This rhetoric [encourages violence](#), and it is a threat to our communities. Congressional hearings should not be a mechanism to further mainstream extremist ideology.

The mainstreaming of this racist rhetoric is most obvious in terms of the Great Replacement conspiracy theory. This conspiracy theory centers around the idea that there is a cabal of malevolent elites – often depicted as Jewish people – whose secret goal is to disempower or eliminate white people by "replacing" them through non-white immigration and/or intermarriage, with people who will be amenable to the malicious demands of the powerful cabal. The most common mainstream version of this conspiracy theory is currently the ["voter replacement" conspiracy](#), suggesting that immigrants are pawns in a political scheme to replace native-born American voters. Similarly, xenophobic extremists have a long

history of describing peaceful migrants and asylum seekers as “invaders,” nefariously ascribing to them a collective and violent intent. Multiple members of this committee have used this rhetoric, claiming immigrants are “replacing your culture” and suggesting that migrants and asylum seekers are akin to a military invasion.

These narratives often rely on a vitriolic combination of disinformation and bigoted stereotypes. Immigrants are often portrayed as criminal or violent, even when extensive research shows native-born Americans are much more likely to commit crimes than are immigrants. For example, immigrants are increasingly blamed for the devastating growth of fentanyl usage across the country, despite data that reveals that fentanyl is most likely to enter the United States through legal points of entry by U.S. citizens. This propaganda often depicts people of color, playing on harmful racist stereotypes.

The rise of anti-immigrant rhetoric and conspiracies represents a direct threat to Black, Brown, immigrant, Jewish, and other targeted communities. For example, eleven people in Pittsburgh and 23 people in El Paso were murdered by white supremacists animated by fears of supposed immigrant “invaders.” As these horrifying attacks demonstrate, we cannot divorce this “invasion” rhetoric from its violent and racist origins.

To prevent this hearing from serving as a vehicle to further popularize racist and violent rhetoric, lawmakers must effectively challenge the disinformation, bigoted stereotypes, and conspiracy theories on which these narratives rely. That is, lawmakers must proactively and repeatedly counter such statements on the public record, ensure the voices of targeted communities have representation, and support efforts to protect the rights of migrants and asylum seekers.

IV. Xenophobia and Anti-Immigrant Extremism Threatens Democracy

Xenophobic conspiracy theories and bigoted disinformation campaigns about the Southern border directly target our democracy, reflecting a convergence of anti-democratic and anti-immigrant extremist networks. By claiming that generations of immigrants are pawns in a malevolent power grab, they call into question the legal status of American citizens with recent immigrant heritage in an attempt to delegitimize our democracy.

Advocates of “voter replacement” conspiracy theories suggest that malign actors encourage immigration to “replace” native-born American voters. Fox News host Tucker Carlson suggests that anyone whose family came to this country after the 1965 Immigration and Naturalization Act is not a “legacy American,” but part of a “great replacement” and therefore less worthy of citizenship and the right to vote. Carlson did not come up with this himself. A network of anti-immigrant actors has long argued that a “purpose” of federal immigration policy since 1965 has been to transform the racial and ethnic demographic composition of the country, and that immigrants are pawns of the Democratic Party. Today’s advocates of “voter replacement” are merely extending a decades’-long assault against the basis of citizenship for generations of Americans.

The witnesses invited to this hearing reflect the nexus of the anti-immigrant and anti-democratic networks. For instance, Sheriff Mark Lamb is a regular in xenophobic networks, including those hosted by the Foundation for Immigration Reform, (“FAIR”), and is featured in a right-wing documentary entitled “Border Battle,” which argues that the United States is “at war” on the Southern border. He has also worked with the country’s leading election denial organization True the Vote, been affiliated with the antisemitic conspiracy theory QAnon, and linked to the anti-government “Constitutional sheriffs” movement, which argues that sheriffs do not have to enforce certain laws.

It is no coincidence that anti-immigrant attacks have become more prominent at the same time that election denial and other anti-democratic conspiracy theories have been mainstreamed. Proponents of these conspiracies are driven by the idea that the American electorate should be predominantly white and Christian. Using disinformation and fear-mongering, they portray any deviation from this imagined Christian and white electorate as the result of a malicious conspiracy. The normalization of this ideology by members of Congress is a threat to all of our communities, as well as our democracy.

IV. Vigilante Activity Threatens Migrant and Border Community Safety

Reports of vigilante activity on the border are increasingly prevalent, including evidence of collusion with local and federal law enforcement, and warrant the immediate attention of this committee. Paramilitary border vigilantes intend to usurp the role of law enforcement and have been accused of assaulting and kidnapping migrants, impersonating law enforcement, illegal weapons possession or use, and even murder. Their members parrot conspiratorial and dangerous anti-immigrant rhetoric that furthers disinformation and increases the threat to migrants. These border vigilantes sometimes overlap with other extremist movements in the broader anti-democratic far right, especially anti-government militias and QAnon conspiracy theorists. The continued presence of these actors on the border - and the violence they perpetuate - threatens the safety of migrants, local residents, and local and federal law enforcement agents.

Last month, Human Rights First endorsed a letter from Senators Markey, Warren, and Booker to Attorney General Merrick Garland, Secretary of Homeland Security Alejandro Mayorkas, and Acting Commissioner of U.S. Borders and Customs Troy Miller, urging them to investigate paramilitary activity on the border and provide Congress with detailed information as to the federal government's efforts to address this threat from domestic extremists. Human Rights First believes this committee has a responsibility to ensure that the Department of Homeland Security (DHS) and the Department of Justice (DOJ) are effectively carrying out their responsibilities to protect and defend the public, including from the threat posed by paramilitary border vigilante activity. The committee should request that both departments provide responses to all of the questions and data requests in this letter, which include but are not limited to all internal information about paramilitary border vigilante activity and/or investigations, as well as any information regarding internal policies relevant to Border Patrol agent interactions or sympathies with paramilitary border vigilantes and/or relevant disciplinary action.

VI. The Right to Asylum is Legal, Politically Popular, and Morally Right

The right to seek asylum is a fundamental human right enshrined in the Universal Declaration of Human Rights. The Refugee Convention and Protocol prohibit the return of people to persecution. U.S. law specifically provides ways for people in search of refuge to seek asylum at U.S. ports of entry and after entering the United States. Despite the U.S. government's legal obligations to refugees, people seeking refuge in the United States have - for years now due to inhumane, illegal and counterproductive policies - been prevented from seeking asylum at U.S. ports of entry due to use of the Title 42 policy and similar predecessor policies, and often expelled under Title 42 if they try to seek asylum after crossing the border into the United States.

Despite the tone and rhetoric prior to and surrounding this hearing, let us be clear: the majority of American voters, across party lines, believe that the United States should provide asylum to people fleeing persecution or violence in their home countries.¹⁴ Furthermore, lawmakers of both parties also believe the right to asylum should be protected. Indeed, recent anti-immigrant legislation was undercut by bipartisan opposition because Republicans and Democrats have expressed a desire to uphold the right to asylum.¹⁵

Proponents of unjust anti-asylum policies often refuse to acknowledge the factors pushing people to leave their countries in search of refuge, or the fact that the vast majority of the world's refugees are hosted by countries other than the United States. In reality, the human rights situations in many countries in the Americas have deteriorated in recent years, pushing people to flee in search of protection, safety and stability. For example:

- In Cuba, where freedom of expression, association and other basic human rights are sharply restricted, repression has increased over the last few years, as security forces responded violently with an extended wave of brutal repression to the country's largest protest in over 20 years in July 2021 against economic difficulties and lack of fundamental freedoms.
- In Haiti, violence and political instability escalated after the 2021 assassination of the president, and in late 2022 the UN High Commissioner for Human Rights, UN High Commissioner for Refugees and the UN Humanitarian Coordinator for Haiti all warned that people should not be returned to the country due to the dire and dangerous conditions there.
- In Nicaragua, over the last year, political persecution continued to escalate against civil society, journalists, activists, church leaders, nuns, and ordinary people — who live in fear and cannot safely engage in public assembly or religious worship — and further intensified during the year with a crackdown against civil society in connection with November 2022 elections — a situation that UNHCR stated “may be characterized as a massive violation of human rights” in January 2023 guidance.
- In Venezuela, in recent years, the human rights situation has grown significantly worse due to harsh crackdowns on political opposition, the ruling party's reliance on widely condemned elections to control all branches of the government, horrific use of torture, and a severe humanitarian crisis.
- Human rights violations have continued or escalated in other countries as well, including in Guatemala where the rule of law has deteriorated, concerns of authoritarianism are rising, and persecution has escalated against journalists, Indigenous and human rights activists, and judicial officials combating impunity for human rights violations, as well as in Honduras, El Salvador, and other countries, as Human Rights Watch documented in its recent annual report.

Many people fleeing these and other places have fled to other countries in the Americas. In fact, of the 7.1 million people who have fled Venezuela in search of safety and stability, about 6 million are hosted in Colombia, Ecuador, Peru and other countries in Latin America and the Caribbean. Costa Rica is hosting about 200,000 or more Nicaraguans, and experienced a five-fold increase in total asylum claims in the first six months of 2022, as compared to the year before. Mexico hosts about 500,000 refugees and asylum seekers, though many face grave threats to their safety there. The United States is more than capable of humanely receiving, and fairly processing the asylum claims of, the portion of people seeking refuge here from repression, persecution, and violence.

VII. Inhumane, Counterproductive Policies Banning Asylum Remain in Place

Two years since President Biden took office, his administration has taken some important initial steps toward ending Trump administration policies that subvert refugee law and endanger the lives of people

seeking asylum. These steps include President Biden's February 2021 executive order directing review of Trump administration policies and the Secretary of Homeland Security's termination and re-termination of the notorious Remain in Mexico (RMX) policy.

Despite these steps forward, some of the most inhumane and dysfunctional Trump administration policies have continued in force or remain on the books due in part to lawsuits filed by state politicians aligned with the prior administration and the slow pace of agency regulatory action. Yet, the Biden administration has also taken steps backward, recently expanding and proposing use of Trump policies in the face of border arrivals and orchestrated, politically driven anti-immigrant rhetoric.

In October 2022, the Biden administration expanded its use of the Trump-initiated Title 42 policy to turn away Venezuelans and used its creation of a new parole initiative for Venezuelans to try to justify this denial of access to asylum — a move that promptly triggered condemnation by the U.N. Refugee Agency (UNHCR), the International Organization for Migration (IOM), and UNICEF. On January 5, 2023, the Biden administration announced a new parole initiative for nationals of Cuba, Haiti, Nicaragua and Venezuela but — again — improperly accompanied this positive initiative with the expansion of use of Title 42 to expel nationals of all four countries without allowing them to seek asylum. In other words: some Venezuelans, Haitians, Nicaraguans, and Cubans (those who can submit an online application, which presents language, technological, and other barriers to access; have a U.S.-based sponsor who meets income requirements; and can afford a plane ticket to the United States) can apply for temporary parole into the United States; those who do not have been, and will be, immediately expelled under Title 42 if they attempt to enter the United States to seek refuge.

Simultaneously, last week the Biden administration published a proposed rule that would ban asylum for many refugees based on their manner of entry into the United States and transit through third countries on their way to reach safety — an approach repeatedly initiated by the Trump administration and repeatedly found unlawful by the courts. During the year that the Trump administration's transit ban was in effect, it resulted in the denial of asylum to refugees with well-founded fears of persecution, the separation of families, and deprivation of a path to citizenship for refugees left only with withholding of removal due to the transit ban. Moving ahead with this misguided approach would breach President Biden's campaign promise to end restrictions on asylum seekers traveling through other countries, and endanger many Black, Brown, Indigenous, LGBTQ+ and other asylum seekers. It would also advance the agenda of anti-immigrant groups, including the Federation for American Immigration Reform, which was designated a hate group by the Southern Poverty Law Center and had praised the Biden administration's plans to impose an asylum ban as a "good first step," as well as NumbersUSA which embraced the proposed rule's provisions to ban asylum as "great."

Last month, Human Rights First joined a diverse⁸ coalition of nearly 300 organizations in a letter to the Biden administration, urging it to abandon its plan to issue the proposed asylum ban. Nearly 80 Members of Congress echoed that call, in a bicameral letter to President Biden. Faith-based organizations had also called on the Biden administration to uphold asylum and abandon plans to propose an asylum ban.

In addition, a recent Reuters report indicates that the Biden administration is also planning to fast-track asylum screenings in Customs and Border Protection (CBP) custody at the border, undercutting any meaningful opportunity for an asylum seeker to explain their case. The report indicates that credible fear interviews would be conducted through expedited removal in CBP custody — similar to a Trump-era policy known as the "Prompt Asylum Case Review" program and "Humanitarian Asylum Review Program," or PACR/HARP. PACR/HARP was a due process, humanitarian and refugee protection fiasco. Notably, President Biden directed the Department of Homeland Security (DHS) to terminate PACR/HARP in his February 2021 executive order. Asylum seekers detained in CBP custody have

frequently reported being provided insufficient or inedible food and water; lack of access to showers and other basic hygiene; and inability to sleep because of lack of adequate bedding and cold conditions. Conducting credible fear interviews in CBP custody will drastically exacerbate the deficiencies of the expedited removal process, which continues to result in the deportation of refugees to persecution and torture.

The Title 42 policy is still in place due to litigation in Louisiana by state leaders aligned with the prior administration to force the continuation of this policy through the courts. In April 2022, the CDC directed that the policy be terminated. Public health experts have repeatedly stressed that the policy harms, rather than helps, public health and bolsters racist tropes that paint migrants and refugees as disease threats. Analysis of CBP data and statements by border officials themselves have confirmed that the policy actually spurs repeat entries, inflates border statistics and pushes people seeking asylum to attempt to cross the border as it is used to turn them away from ports of entry. A D.C. District Court ruling that vacated the Title 42 policy for violating U.S. law is currently stayed by the Supreme Court while it considers the request of the Trump-aligned state attorneys general who initiated the Louisiana litigation to intervene in the separate D.C. District Court case. On January 30, 2023, the Biden administration indicated that it plans to end the public health emergency related to COVID-19 on May 11, 2023, which would automatically terminate the Title 42 policy.

There is a more humane, effective and legal way forward, as Human Rights First has explained in its most recent set of recommendations, which are outlined below.

VIII. Trump Policies Inflicted Chaos At the Border — Continuing those Policies is No “Solution”

The policies initiated under the Trump administration inflict chaos, dysfunction and massive human suffering. It's past time to ensure a firm and final end to these ineffective and inhumane policies. The last thing that Congress or the Biden administration should do is to attempt to prolong, codify, or resurrect policies that inflict disorder, family separation and massive human rights abuses on people seeking refuge.

Such policies are not actual “solutions,” but tools to deny access to this country to Black, Brown, Indigenous, LGBTQ+ and other people seeking asylum from persecution. As noted above, these dysfunctional policies have spurred repeat entries, separated families, pushed people seeking asylum to cross outside ports of entry, and inflated border statistics. The Biden administration recently touted the pairing of parole initiatives with an expansion of its Title 42 policy as a success given the recent decline in arrivals at the border. However, the denial of asylum, grave human rights abuses, and disorder and chaos inflicted by Title 42 are the opposite of a success. The provision of pathways and the restoration of access to asylum are the decisive and durable drivers in discouraging irregular crossings. A more humane and effective approach would be to strengthen parole and other safe pathways, which provide alternative routes to the United States, without the imposition or use of deeply damaging, counterproductive policies like Title 42 and asylum bans.

The real problem is that the United States is flouting its own asylum laws and the Refugee Convention by systematically closing its doors and turning people away to danger.

IX. Examples of Human Suffering Inflicted by Anti-Asylum Policies

Policies that ban, block or turn away refugees seeking asylum have caused massive human suffering. Human Rights First has tracked over 13,480 kidnappings, torture, and other attacks against asylum

seekers and migrants impacted by the Title 42 policy during the two years since President Biden took office. A 34-year-old Haitian asylum seeker, Jocelyn Anselme, was murdered in Tijuana in May 2022 while blocked from seeking asylum under Title 42.

In its latest report, issued in December 2022, Human Rights First found that the continuation and October 2022 expansion of the Title 42 policy has inflicted terrible human rights abuses, including for Black, Brown, Indigenous, and LGBTQ+ persons, women, and children; subjected asylum seekers to refoulement to persecution and torture in the countries they fled; endangered faith-based, humanitarian, and legal aid workers assisting asylum seekers impacted by the policy; and pushed asylum seekers to attempt dangerous crossings to reach safety. Fiscal Year 2022 was the deadliest year for border crossings since the U.S. government began record keeping on border crossing deaths in 1998.

Some examples from Human Rights First's research of the harm caused by anti-asylum policies – including Title 42, the asylum transit ban, and the conduct of credible fear interviews in CBP custody – are below.

- Asylum seekers expelled or blocked from seeking U.S. protection due to the Title 42 policy include a Guatemalan lesbian transgender woman who was raped by Mexican police officers in Piedras Negras in October 2022, soon after CBP officers turned her away from protection under Title 42; a 13-year-old girl who was nearly abducted at gunpoint in Juárez after her family fled political persecution in Venezuela but was expelled under Title 42; and a transgender Honduran asylum seeker who was kidnapped and raped after DHS repeatedly expelled her to Mexico.
- During the period that the Trump administration's transit ban was in effect, asylum seekers who were denied protection and ordered deported due to the ban included a Venezuelan opposition journalist and her one-year-old child; a Cuban asylum seeker who was beaten and subjected to forced labor due to his political activity; a gay Honduran asylum seeker who was threatened and assaulted for his sexual orientation; and a Congolese woman who had been beaten by police in her country when she sought information about her husband, who had been jailed and tortured due to his political activity.
- Asylum seekers who underwent credible fear interviews in CBP custody under the Trump administration – many of whom were also subjected to the asylum transit ban – were denied a meaningful opportunity to present their asylum claim and many were ordered deported, including a 16-year-old girl who fled trafficking and sexual exploitation, an Indigenous Guatemalan woman who was sexually assaulted because of her ethnicity, and a Central American woman fleeing domestic violence by an abuser who killed one of her children.

X. Recommendations for Upholding Refugee Law

Instead of seeking to prolong, use or resurrect inhumane and counterproductive policies that were part of the Trump and Stephen Miller agenda, the Biden administration and Congress should work together to:

- **Uphold refugee law at U.S. borders** without discrimination, including to restart and maximize (rather than restrict or “meter”) asylum at ports of entry, take all steps possible to end the Title 42 policy, and ensure people seeking asylum have prompt access to ports of entry — not limited to CBP One, but also assured to people approaching ports of entry to seek asylum. Restoring asylum

at ports of entry after years of blockage is essential not only to uphold refugee law, but also to end the counterproductive consequences of Trump policies that, by restricting and blocking access to asylum at ports of entry, have long pushed populations that previously sought asylum at ports of entry to instead attempt to cross the border.

- **Enhance support for human rights and refugee hosting capacity** in other countries in the Americas, including through efforts to support development of strong asylum systems, reception capacities, access to employment, and protection of rights and safety of refugees and migrants in Mexico and other countries in the Americas.
- **Ramp up, speed up, and strengthen regional refugee resettlement, improve parole and other safe migration pathways** in the Americas, but never use the existence of such pathways to deny access to asylum.
- **Implement effective, humane refugee reception structures, coordination, funding mechanisms, and case support** to address the lack of dedicated humanitarian and refugee protection structures that has long hampered the U.S. response to people seeking refuge at its own borders.
- **Rescind — and do not resurrect — Trump policies**, including the asylum entry and transit bans, and other fatally flawed policies of the last administration that punish or block refugees from protection, abandoning the harmful asylum ban plan.
- **Upgrade asylum adjudication processes so they are accurate, fair, properly staffed, and prompt**, including: improve the new asylum rule process so it leads to efficiency rather than rushed and counterproductive inaccurate adjudications, fund sufficient asylum adjudication capacities to address asylum backlogs and ensure timely adjudication of new cases, and support and champion funding for legal representation.
- **Stand firm against anti-immigrant rhetoric and efforts**, and firmly reject attempts to exploit Congressional hearings as opportunities to platform bigoted, anti-immigrant conspiracy theories. Reject and oppose anti-asylum Congressional proposals including efforts to force continuation or enactment into law of the Trump administration's cruel, racist, and counterproductive policies. Draconian policies will not appease perpetrators of xenophobic, racist rhetoric, but will inflict massive human suffering, create more dysfunction, and subvert refugee law globally.
- **Demand accountability and transparency from DHS and DOJ regarding investigations into paramilitary border activity**. Request that both the Department of Homeland Security and the Department of Justice provide Congress with detailed information regarding any internal data and/or policies they have regarding the paramilitary border activity.

Human Rights First has detailed these steps in its comprehensive updated recommendations paper, and outlined them in a brief summary, both issued in January 2023.

^[1] In a November 2022 poll conducted by the U.S. Immigration Policy Center, 87% of Democrats, 74% of Independents and 57% Republicans expressed support for asylum. Another February 2022 poll by the National Immigration Law Center Immigrant Justice Fund found that a majority of voters across the political spectrum supported asylum and wanted the Biden administration to end the Title 42 policy.

^[2] In response to concerns raised about his bill, the “Border Safety and Security Act of 2023” (H.R. 29), Representative Chip Roy insisted, “No one’s trying to ban asylum.” GOP Members of Congress have expressed serious concerns about hard-line legislation like H.R. 29, indicating the broader popularity of the right to asylum. See e.g., Rep. Tony Gonzales (“Trying to ban legitimate asylum claims—one, it’s not Christian, and two, to me, it’s very anti-American. So a lot is at stake.”); Rep. Maria Elvira Salazar (“Are we stupid? Come on. This country was based on good minds. Look at Albert Einstein, we gave him a piece of paper to come in. . . . We are letting the Albert Einstein of this modern time slip away.”).

^[3] The diverse coalition of prominent labor, LGBTQ, faith, and civil rights signatories include: ACLU, Amnesty International, CHIRLA, Community Change Action, FIRM Action, HIAS, Haitian Bridge Alliance, Immigration Equality, Immigration Hub, Indivisible, International Mayan League, MoveOn, IRAP, IRC, NILC, National Immigrant Justice Center, PFLAG National, Refugee Council USA, The Leadership Conference on Civil and Human Rights, UndocuBlack Network, UnidosUS, and the Welcome with Dignity campaign.

STATEMENT OF HUMAN RIGHTS FIRST

FEBRUARY 28, 2023

I. ABOUT HUMAN RIGHTS FIRST

Human Rights First is an independent, non-profit organization that for more than four decades has pressed the United States to take a leading role in promoting and defending human rights. Established in 1978, Human Rights First’s mission is to ensure that the United States is a global leader on human rights. The organization works in the United States and abroad to promote respect for human rights and the rule of law. The organization’s work includes advocacy and action to uphold the right to seek asylum and to counter the anti-democratic extremist movement that

represents an existential threat to our democracy. The organization also partners with many of the Nation's leading law firms to provide pro bono legal representation to refugees seeking asylum, and over the years has helped thousands of refugees receive asylum in this country.

II. OVERVIEW

Human Rights First is alarmed at the scale and dangers presented by orchestrated rhetoric that paints migrants and people seeking asylum at the U.S. border as a threat or an "invasion." Human Rights First's experts on extremism and anti-semitism have repeatedly warned that this rhetoric leads directly to increased violence, and threatens our multiracial democracy. One invited witness has a history of perpetuating disinformation and bigoted rhetoric. As outlined below, lawmakers must refuse to provide a platform for this rhetoric. Rather, they must call out this racist fear-mongering and counter disinformation with reliable and accurate data regarding the right to asylum, the U.S. immigration system, and current conditions at the border.

We cannot allow bigoted narratives and disinformation to dominate critical conversations about immigration policy and our Nation's asylum laws. Instead of prolonging, codifying, using, or resurrecting unjust, inhumane, and dysfunctional policies aimed at decimating asylum that were initiated under the Trump administration, the Biden administration and Members of Congress should uphold U.S. refugee law, the human right to seek asylum, and U.S. commitments under international refugee law. This includes abandoning efforts to ban or deny asylum to refugees who are otherwise eligible for asylum under U.S. law.

Instead, the United States should lead by example, uphold refugee law at home, and take the other steps outlined at the end of this statement.

III. ANTI-IMMIGRANT NARRATIVES POSE VIOLENT THREAT

Bigoted and dangerous rhetoric targeting immigrants is now commonplace among a growing number of elected officials who use fear-mongering as a political strategy. Portraying asylum seekers as violent "invaders" or pawns in a malevolent and orchestrated takeover, these narratives represent merely the most recent adaptations of white supremacist conspiracy theories. This rhetoric encourages violence, and it is a threat to our communities. Congressional hearings should not be a mechanism to further mainstream extremist ideology.

The mainstreaming of this racist rhetoric is most obvious in terms of the Great Replacement conspiracy theory. This conspiracy theory centers around the idea that there is a cabal of malevolent elites—often depicted as Jewish people—whose secret goal is to disempower or eliminate white people by "replacing" them through non-white immigration and/or intermarriage, with people who will be amenable to the malicious demands of the powerful cabal. The most common mainstream version of this conspiracy theory is currently the "voter replacement" conspiracy, suggesting that immigrants are pawns in a political scheme to replace native-born American voters. Similarly, xenophobic extremists have a long history of describing peaceful migrants and asylum seekers as "invaders," nefariously ascribing to them a collective and violent intent. Multiple members of this committee have used this rhetoric, claiming immigrants are "replacing your culture" and suggesting that migrants and asylum seekers are akin to a military invasion.

These narratives often rely on a vitriolic combination of disinformation and bigoted stereotypes. Immigrants are often portrayed as criminal or violent, even when extensive research shows native-born Americans are much more likely to commit crimes than are immigrants. For example, immigrants are increasingly blamed for the devastating growth of fentanyl usage across the country, despite data that reveals that fentanyl is most likely to enter the United States through legal points of entry by U.S. citizens. This propaganda often depicts people of color, playing on harmful racist stereotypes.

The rise of anti-immigrant rhetoric and conspiracies represents a direct threat to Black, Brown, immigrant, Jewish, and other targeted communities. For example, 11 people in Pittsburgh and 23 people in El Paso were murdered by white supremacists animated by fears of supposed immigrant "invaders." As these horrifying attacks demonstrate, we cannot divorce this "invasion" rhetoric from its violent and racist origins.

To prevent this hearing from serving as a vehicle to further popularize racist and violent rhetoric, lawmakers must effectively challenge the disinformation, bigoted stereotypes, and conspiracy theories on which these narratives rely. That is, lawmakers must proactively and repeatedly counter such statements on the public

record, ensure the voices of targeted communities have representation, and support efforts to protect the rights of migrants and asylum seekers.

IV. XENOPHOBIA AND ANTI-IMMIGRANT EXTREMISM THREATENS DEMOCRACY

Xenophobic conspiracy theories and bigoted disinformation campaigns about the Southern Border directly target our democracy, reflecting a convergence of anti-democratic and anti-immigrant extremist networks. By claiming that generations of immigrants are pawns in a malevolent power grab, they call into question the legal status of American citizens with recent immigrant heritage in an attempt to delegitimize our democracy.

Advocates of “voter replacement” conspiracy theories suggest that malign actors encourage immigration to “replace” native-born American voters. Fox News host Tucker Carlson suggests that anyone whose family came to this country after the 1965 Immigration and Naturalization Act is not a “legacy American,” but part of a “great replacement” and therefore less worthy of citizenship and the right to vote. Carlson did not come up with this himself. A network of anti-immigrant actors has long-argued that a “purpose” of Federal immigration policy since 1965 has been to transform the racial and ethnic demographic composition of the country, and that immigrants are pawns of the Democratic Party. Today’s advocates of “voter replacement” are merely extending a decades-long assault against the basis of citizenship for generations of Americans.

The witnesses invited to this hearing reflect the nexus of the anti-immigrant and anti-democratic networks. For instance, Sheriff Mark Lamb is a regular in xenophobic networks, including those hosted by the Foundation for Immigration Reform, (“FAIR”), and is featured in a right-wing documentary entitled “Border Battle,” which argues that the United States is “at war” on the Southern Border. He has also worked with the country’s leading election denial organization True the Vote, been affiliated with the antisemitic conspiracy theory QAnon, and linked to the anti-government “Constitutional sheriffs” movement, which argues that sheriffs do not have to enforce certain laws.

It is no coincidence that anti-immigrant attacks have become more prominent at the same time that election denial and other anti-democratic conspiracy theories have been mainstreamed. Proponents of these conspiracies are driven by the idea that the American electorate should be predominantly white and Christian. Using disinformation and fear-mongering, they portray any deviation from this imagined Christian and white electorate as the result of a malicious conspiracy. The normalization of this ideology by Members of Congress is a threat to all of our communities, as well as our democracy.

IV. VIGILANTE ACTIVITY THREATENS MIGRANT AND BORDER COMMUNITY SAFETY

Reports of vigilante activity on the border are increasingly prevalent, including evidence of collusion with local and Federal law enforcement, and warrant the immediate attention of this committee. Paramilitary border vigilantes intend to usurp the role of law enforcement and have been accused of assaulting and kidnapping migrants, impersonating law enforcement, illegal weapons possession or use, and even murder. Their members paint conspiratorial and dangerous anti-immigrant rhetoric that furthers disinformation and increases the threat to migrants. These border vigilantes sometimes overlap with other extremist movements in the broader anti-democratic far right, especially anti-government militias and QAnon conspiracy theorists. The continued presence of these actors on the border—and the violence they perpetuate—threatens the safety of migrants, local residents, and local and Federal law enforcement agents.

Last month, Human Rights First endorsed a letter from Senators Markey, Warren, and Booker to Attorney General Merrick Garland, Secretary of Homeland Security Alejandro Mayorkas, and Acting Commissioner of U.S. Borders and Customs Troy Miller, urging them to investigate paramilitary activity on the border and provide Congress with detailed information as to the Federal Government’s efforts to address this threat from domestic extremists. Human Rights First believes this committee has a responsibility to ensure that the Department of Homeland Security (DHS) and the Department of Justice (DOJ) are effectively carrying out their responsibilities to protect and defend the public, including from the threat posed by paramilitary border vigilante activity. The committee should request that both departments provide responses to all of the questions and data requests in this letter, which include but are not limited to all internal information about paramilitary border vigilante activity and/or investigations, as well as any information regarding internal policies relevant to Border Patrol agent interactions or sympathies with paramilitary border vigilantes and/or relevant disciplinary action.

VI. THE RIGHT TO ASYLUM IS LEGAL, POLITICALLY POPULAR, AND MORALLY RIGHT

The right to seek asylum is a fundamental human right enshrined in the Universal Declaration of Human Rights. The Refugee Convention and Protocol prohibit the return of people to persecution. U.S. law specifically provides ways for people in search of refuge to seek asylum at U.S. ports of entry and after entering the United States. Despite the U.S. Government's legal obligations to refugees, people seeking refuge in the United States have—for years now due to inhumane, illegal, and counterproductive policies—been prevented from seeking asylum at U.S. ports of entry due to use of the Title 42 policy and similar predecessor policies, and often expelled under Title 42 if they try to seek asylum after crossing the border into the United States.

Despite the tone and rhetoric prior to and surrounding this hearing, let us be clear: the majority of American voters, across party lines, believe that the United States should provide asylum to people fleeing persecution or violence in their home countries.¹ Furthermore, lawmakers of both parties also believe the right to asylum should be protected. Indeed, recent anti-immigrant legislation was undercut by bipartisan opposition because Republicans and Democrats have expressed a desire to uphold the right to asylum.²

Proponents of unjust anti-asylum policies often refuse to acknowledge the factors pushing people to leave their countries in search of refuge, or the fact that the vast majority of the world's refugees are hosted by countries other than the United States. In reality, the human rights situations in many countries in the Americas have deteriorated in recent years, pushing people to flee in search of protection, safety, and stability. For example:

- In Cuba, where freedom of expression, association, and other basic human rights are sharply restricted, repression has increased over the last few years, as security forces responded violently with an extended wave of brutal repression to the country's largest protest in over 20 years in July 2021 against economic difficulties and lack of fundamental freedoms.
- In Haiti, violence and political instability escalated after the 2021 assassination of the president, and in late 2022 the U.N. High Commissioner for Human Rights, U.N. High Commissioner for Refugees and the U.N. Humanitarian Coordinator for Haiti all warned that people should not be returned to the country due to the dire and dangerous conditions there.
- In Nicaragua, over the last year, political persecution continued to escalate against civil society, journalists, activists, church leaders, nuns, and ordinary people—who live in fear and cannot safely engage in public assembly or religious worship—and further intensified during the year with a crackdown against civil society in connection with November 2022 elections—a situation that UNHCR stated “may be characterized as a massive violation of human rights” in January 2023 guidance.
- In Venezuela, in recent years, the human rights situation has grown significantly worse due to harsh crackdowns on political opposition, the ruling party's reliance on widely-condemned elections to control all branches of the government, horrific use of torture, and a severe humanitarian crisis.
- Human rights violations have continued or escalated in other countries as well, including in Guatemala where the rule of law has deteriorated, concerns of authoritarianism are rising, and persecution has escalated against journalists, Indigenous and human rights activists, and judicial officials combating impunity for human rights violations, as well as in Honduras, El Salvador, and other countries, as Human Rights Watch documented in its recent annual report.

Many people fleeing these and other places have fled to other countries in the Americas. In fact, of the 7.1 million people who have fled Venezuela in search of safety and stability, about 6 million are hosted in Colombia, Ecuador, Peru, and

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See e.g., Rep. Tony Gonzales (“Trying to ban legitimate asylum claims—one, it's not Christian, and two, to me, it's very anti-American. So a lot is at stake.”); Rep. Maria Elvira Salazar (“Are we stupid? Come on. This country was based on good minds. Look at Albert Einstein, we gave him a piece of paper to come in . . . We are letting the Albert Einstein of this modern time slip away.”).

other countries in Latin America and the Caribbean. Costa Rica is hosting about 200,000 or more Nicaraguans, and experienced a five-fold increase in total asylum claims in the first 6 months of 2022, as compared to the year before. Mexico hosts about 500,000 refugees and asylum seekers, though many face grave threats to their safety there. The United States is more than capable of humanely receiving, and fairly processing the asylum claims of, the portion of people seeking refuge here from repression, persecution, and violence.

VII. INHUMANE, COUNTERPRODUCTIVE POLICIES BANNING ASYLUM REMAIN IN PLACE

Two years since President Biden took office, his administration has taken some important initial steps toward ending Trump administration policies that subvert refugee law and endanger the lives of people seeking asylum. These steps include President Biden's February 2021 Executive Order directing review of Trump administration policies and the Secretary of Homeland Security's termination and re-termination of the notorious Remain in Mexico (RMX) policy.

Despite these steps forward, some of the most inhumane and dysfunctional Trump administration policies have continued in force or remain on the books due in part to lawsuits filed by State politicians aligned with the prior administration and the slow pace of agency regulatory action. Yet, the Biden administration has also taken steps backward, recently expanding and proposing use of Trump policies in the face of border arrivals and orchestrated, politically-driven anti-immigrant rhetoric.

In October 2022, the Biden administration expanded its use of the Trump-initiated Title 42 policy to turn away Venezuelans and used its creation of a new parole initiative for Venezuelans to try to justify this denial of access to asylum—a move that promptly triggered condemnation by the U.N. Refugee Agency (UNHCR), the International Organization for Migration (IOM), and UNICEF. On January 5, 2023, the Biden administration announced a new parole initiative for nationals of Cuba, Haiti, Nicaragua, and Venezuela but—again—improperly accompanied this positive initiative with the expansion of use of Title 42 to expel nationals of all four countries without allowing them to seek asylum. In other words: some Venezuelans, Haitians, Nicaraguans, and Cubans (those who can submit an on-line application, which presents language, technological, and other barriers to access; have a U.S.-based sponsor who meets income requirements; and can afford a plane ticket to the United States) can apply for temporary parole into the United States; those who do not have been, and will be, immediately expelled under Title 42 if they attempt to enter the United States to seek refuge.

Simultaneously, last week the Biden administration published a proposed rule that would ban asylum for many refugees based on their manner of entry into the United States and transit through third countries on their way to reach safety—an approach repeatedly initiated by the Trump administration and repeatedly found unlawful by the courts. During the year that the Trump administration's transit ban was in effect, it resulted in the denial of asylum to refugees with well-founded fears of persecution, the separation of families, and deprivation of a path to citizenship for refugees left only with withholding of removal due to the transit ban. Moving ahead with this misguided approach would breach President Biden's campaign promise to end restrictions on asylum seekers traveling through other countries, and endanger many Black, Brown, Indigenous, LGBTQ+, and other asylum seekers. It would also advance the agenda of anti-immigrant groups, including the Federation for American Immigration Reform, which was designated a hate group by the Southern Poverty Law Center and had praised the Biden administration's plans to impose an asylum ban as a "good first step," as well as NumbersUSA which embraced the proposed rule's provisions to ban asylum as "great."

Last month, Human Rights First joined a diverse³ coalition of nearly 300 organizations in a letter to the Biden administration, urging it to abandon its plan to issue the proposed asylum ban. Nearly 80 Members of Congress echoed that call, in a bicameral letter to President Biden. Faith-based organizations had also called on the Biden administration to uphold asylum and abandon plans to propose an asylum ban.

In addition, a recent Reuters report indicates that the Biden administration is also planning to fast-track asylum screenings in Customs and Border Protection (CBP) custody at the border, undercutting any meaningful opportunity for an asy-

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lum seeker to explain their case. The report indicates that credible fear interviews would be conducted through expedited removal in CBP custody—similar to a Trump-era policy known as the “Prompt Asylum Case Review” program and “Humanitarian Asylum Review Program,” or PACR/HARP. PACR/HARP was a due process, humanitarian, and refugee protection fiasco. Notably, President Biden directed the Department of Homeland Security (DHS) to terminate PACR/HARP in his February 2021 Executive Order. Asylum seekers detained in CBP custody have frequently reported being provided insufficient or inedible food and water; lack of access to showers and other basic hygiene; and inability to sleep because of lack of adequate bedding and cold conditions.

Conducting credible fear interviews in CBP custody will drastically exacerbate the deficiencies of the expedited removal process, which continues to result in the deportation of refugees to persecution and torture.

The Title 42 policy is still in place due to litigation in Louisiana by State leaders aligned with the prior administration to force the continuation of this policy through the courts. In April 2022, the CDC directed that the policy be terminated. Public health experts have repeatedly stressed that the policy harms, rather than helps, public health and bolsters racist tropes that paint migrants and refugees as disease threats. Analysis of CBP data and statements by border officials themselves have confirmed that the policy actually spurs repeat entries, inflates border statistics and pushes people seeking asylum to attempt to cross the border as it is used to turn them away from ports of entry. A D.C. District Court ruling that vacated the Title 42 policy for violating U.S. law is currently stayed by the Supreme Court while it considers the request of the Trump-aligned State attorneys general who initiated the Louisiana litigation to intervene in the separate D.C. District Court case. On January 30, 2023, the Biden administration indicated that it plans to end the public health emergency related to COVID-19 on May 11, 2023, which would automatically terminate the Title 42 policy.

There is a more humane, effective, and legal way forward, as Human Rights First has explained in its most recent set of recommendations, which are outlined below.

VIII. TRUMP POLICIES INFLICTED CHAOS AT THE BORDER—CONTINUING THOSE POLICIES IS NO “SOLUTION”

The policies initiated under the Trump administration inflict chaos, dysfunction, and massive human suffering. It’s past time to ensure a firm and final end to these ineffective and inhumane policies. The last thing that Congress or the Biden administration should do is to attempt to prolong, codify, or resurrect policies that inflict disorder, family separation, and massive human rights abuses on people seeking refuge.

Such policies are not actual “solutions,” but tools to deny access to this country to Black, Brown, Indigenous, LGBTQ+, and other people seeking asylum from persecution. As noted above, these dysfunctional policies have spurred repeat entries, separated families, pushed people seeking asylum to cross outside ports of entry, and inflated border statistics. The Biden administration recently touted the pairing of parole initiatives with an expansion of its Title 42 policy as a success given the recent decline in arrivals at the border. However, the denial of asylum, grave human rights abuses, and disorder and chaos inflicted by Title 42 are the opposite of a success. The provision of pathways and the restoration of access to asylum are the decisive and durable drivers in discouraging irregular crossings. A more humane and effective approach would be to strengthen parole and other safe pathways, which provide alternative routes to the United States, without the imposition or use of deeply damaging, counterproductive policies like Title 42 and asylum bans.

The real problem is that the United States is flouting its own asylum laws and the Refugee Convention by systematically closing its doors and turning people away to danger.

IX. EXAMPLES OF HUMAN SUFFERING INFLICTED BY ANTI-ASYLUM POLICIES

Policies that ban, block, or turn away refugees seeking asylum have caused massive human suffering. Human Rights First has tracked over 13,480 kidnappings, torture, and other attacks against asylum seekers and migrants impacted by the Title 42 policy during the 2 years since President Biden took office. A 34-year-old Haitian asylum seeker, Jocelyn Anselme, was murdered in Tijuana in May 2022 while blocked from seeking asylum under Title 42.

In its latest report, issued in December 2022, Human Rights First found that the continuation and October 2022 expansion of the Title 42 policy has inflicted terrible human rights abuses, including for Black, Brown, Indigenous, and LGBTQ+ persons, women, and children; subjected asylum seekers to refoulement to persecution

and torture in the countries they fled; endangered faith-based, humanitarian, and legal aid workers assisting asylum seekers impacted by the policy; and pushed asylum seekers to attempt dangerous crossings to reach safety. Fiscal Year 2022 was the deadliest year for border crossings since the U.S. Government began record-keeping on border crossing deaths in 1998.

Some examples from Human Rights First's research of the harm caused by anti-asylum policies—including Title 42, the asylum transit ban, and the conduct of credible fear interviews in CBP custody—are below.

- Asylum seekers expelled or blocked from seeking U.S. protection due to the Title 42 policy include a Guatemalan lesbian transgender woman who was raped by Mexican police officers in Piedras Negras in October 2022, soon after CBP officers turned her away from protection under Title 42; a 13-year-old girl who was nearly abducted at gunpoint in Juarez after her family fled political persecution in Venezuela but was expelled under Title 42; and a transgender Honduran asylum seeker who was kidnapped and raped after DHS repeatedly expelled her to Mexico.
- During the period that the Trump administration's transit ban was in effect, asylum seekers who were denied protection and ordered deported due to the ban included a Venezuelan opposition journalist and her 1-year-old child; a Cuban asylum seeker who was beaten and subjected to forced labor due to his political activity; a gay Honduran asylum seeker who was threatened and assaulted for his sexual orientation; and a Congolese woman who had been beaten by police in her country when she sought information about her husband, who had been jailed and tortured due to his political activity.
- Asylum seekers who underwent credible fear interviews in CBP custody under the Trump administration—many of whom were also subjected to the asylum transit ban—were denied a meaningful opportunity to present their asylum claim and many were ordered deported, including a 16-year-old girl who fled trafficking and sexual exploitation, an Indigenous Guatemalan woman who was sexually assaulted because of her ethnicity, and a Central American woman fleeing domestic violence by an abuser who killed one of her children.

X. RECOMMENDATIONS FOR UPHOLDING REFUGEE LAW

Instead of seeking to prolong, use, or resurrect inhumane and counterproductive policies that were part of the Trump and Stephen Miller agenda, the Biden administration and Congress should work together to:

- Uphold refugee law at U.S. borders without discrimination, including to restart and maximize (rather than restrict or “meter”) asylum at ports of entry, take all steps possible to end the Title 42 policy, and ensure people seeking asylum have prompt access to ports of entry—not limited to CBP One, but also assured to people approaching ports of entry to seek asylum. Restoring asylum at ports of entry after years of blockage is essential not only to uphold refugee law, but also to end the counterproductive consequences of Trump policies that, by restricting and blocking access to asylum at ports of entry, have long pushed populations that previously sought asylum at ports of entry to instead attempt to cross the border.
- Enhance support for human rights and refugee hosting capacity in other countries in the Americas, including through efforts to support development of strong asylum systems, reception capacities, access to employment, and protection of rights and safety of refugees and migrants in Mexico and other countries in the Americas.
- Ramp up, speed up, and strengthen regional refugee resettlement, improve parole and other safe migration pathways in the Americas, but never use the existence of such pathways to deny access to asylum.
- Implement effective, humane refugee reception structures, coordination, funding mechanisms, and case support to address the lack of dedicated humanitarian and refugee protection structures that has long hampered the U.S. response to people seeking refuge at its own borders.
- Rescind—and do not resurrect—Trump policies, including the asylum entry and transit bans, and other fatally flawed policies of the last administration that punish or block refugees from protection, abandoning the harmful asylum ban plan.
- Upgrade asylum adjudication processes so they are accurate, fair, properly staffed, and prompt, including: improve the new asylum rule process so it leads to efficiency rather than rushed and counterproductive inaccurate adjudications, fund sufficient asylum adjudication capacities to address asylum backlogs and

ensure timely adjudication of new cases, and support and champion funding for legal representation.

- Stand firm against anti-immigrant rhetoric and efforts, and firmly reject attempts to exploit Congressional hearings as opportunities to platform bigoted, anti-immigrant conspiracy theories. Reject and oppose anti-asylum Congressional proposals including efforts to force continuation or enactment into law of the Trump administration's cruel, racist, and counterproductive policies. Draconian policies will not appease perpetrators of xenophobic, racist rhetoric, but will inflict massive human suffering, create more dysfunction, and subvert refugee law globally.
- Demand accountability and transparency from DHS and DOJ regarding investigations into paramilitary border activity. Request that both the Department of Homeland Security and the Department of Justice provide Congress with detailed information regarding any internal data and/or policies they have regarding the paramilitary border activity.

Human Rights First has detailed these steps in its comprehensive updated recommendations paper, and outlined them in a brief summary, both issued in January 2023.

LETTER SUBMITTED BY CHIRLA—COALITION FOR HUMANE IMMIGRANT RIGHTS

February 28, 2023.

Chair MARK GREEN,
Committee on Homeland Security, Washington, DC 20515.

Ranking Member Bennie Thompson,
Committee on Homeland Security, Washington, DC 20515.

Re: Hearing ““Every State is a Border State: Examining Secretary Mayorkas’ Border Crisis.””

DEAR CHAIR GREEN AND RANKING MEMBER THOMPSON: On behalf of the Coalition for Humane Immigrant Rights (CHIRLA), the largest State-wide immigrant rights organization in California, I submit this statement for the record for today’s hearing entitled ““Every State is a Border State: Examining Secretary Mayorkas’ Border Crisis.”” As an organization serving the immigrant community for the past 35 years, CHIRLA has worked to gain and maintain both trust and credibility as a reliable source of accurate information of events both in California and south of the U.S.-Mexico border. We strive to ensure that Federal policies protect immigrants, promote family unity, and help achieve a just society fully inclusive of immigrants.

Since 2017, CHIRLA has monitored the implementation of harmful border policies such as, “Remain in Mexico” policy (Migrant Protection Protocols, MPP) and more recently Title 42. CHIRLA, along with multiple border organizations, bears witness of these policies’ impact on immigrants who intend to exercise their legal right to seek asylum, as well to the abuses suffered by them while in Border Patrol custody.

TITLE 42

Border expulsions are currently being carried out through section 265 of Title 42 under the pretext of protecting public health. It was invoked by the Trump administration at the outset of the COVID-19 pandemic as one of their many anti-immigrant efforts to hermetically seal the border. The Biden administration not only continued using this policy—in part due to court order—but it has expanded it. Over 1.8 million expulsions have been carried out since the pandemic began. However, nearly half of those expulsions were of the same people being apprehended and expelled back to Mexico multiple times. As reported by American Immigration Council, this is because Title 42 has led to a significant increase in repeat crossings at the border. In fact, 1 in 3 apprehensions since Title 42 expulsions began have been of a person on at least their second attempt to cross the border.¹

CONTINUING FAMILY SEPARATION

On April 6, 2018, then Attorney General Jeff Sessions announced the “Zero Tolerance” policy, separating thousands of families until enjoined by the ACLU’s class action lawsuit *Ms. L v. ICE*. In all, over 5,000 families were separated, and not all have been located to date. President Biden’s Family Reunification Task Force has reunified a few dozen of the hundreds who remain separated.

¹<https://www.americanimmigrationcouncil.org/research/guide-title-42-expulsions-border>.

DHS's implementation of MPP and Title 42 policies, described above, have separated countless more families by leaving immediate family members in different detention facilities, different border cities, or even different countries. Thousands of families living in dangerous border camps or other precarious conditions have chosen to send their children across the border alone, as Title 42 restrictions do not apply to unaccompanied children.

Jewish Family Service of San Diego and the American Civil Liberties Union of San Diego & Imperial Counties have documented continuing family separations in the California borderlands, including separations that are distinct from those covered in the *Ms. L v. ICE* lawsuit. In July 2021, the organizations sent a letter to DHS calling on Secretary Mayorkas to stop separating families seeking asylum.² In August 2022, a second letter was sent, led by the Center for Immigration Law and Policy and Jewish Family Service, to seek accountability and justice for Lucy and her family:

Lucy was beaten by U.S. Border Patrol and separated from her daughter (10), her son (18), and her stepson (18), the latter of whom was immediately deported back to El Salvador. Lucy, who is 4'9" tall, was charged with assaulting the officer and then forcibly separated from her daughter and sons. The government later asked the court to dismiss the charges against Lucy and her son, which the court did, but did not facilitate reunification of the family even after the criminal cases were dismissed. This family had been separated for 5 months and it took advocacy ACLU-SDIC, UCLA CILP, from JFS, that Lucy and her son were released from DHS custody in Imperial Valley, finally reunited with each other, served at the SDRRN Migrant Shelter, and then reunited with Lucy's 10-year-old daughter who was staying with a cousin in L.A. JFS is continuing with legal representation for Lucy and her son through the duration of their immigration proceedings.³

CBP also regularly separates non-parental caregivers, like grandparents, aunts, uncles, and adult siblings, from children at the border, rendering the children "unaccompanied" and often expelling the caregiver to Mexico or removing them to their home country. In April 2021, an estimated 10–17 percent of all unaccompanied children in ORR custody had been separated from non-parental caregivers at the border. Thousands of children have been separated from non-parental caregivers, although the government does very little tracking.

PREGNANT PEOPLE IN DETENTION

Al Otro Lado has also documented over a dozen cases of women expelled with newborn U.S. citizen children after giving birth in Border Patrol custody. Border Patrol officials did not give these mothers a chance to obtain U.S. birth certificates for their children before expulsion, rendering their infant children functionally stateless.

The ACLU-SDIC and Jewish Family Service of San Diego have also documented inhumane conditions for women who give birth in CBP custody and continue to call on CBP to end CBP's detention of pregnant people beyond the time necessary to process them and where pregnant people are taken directly to an offsite medical provider, process them there and release them as soon as possible after medical treatment to avoid detention in a carceral setting.⁴

BORDER WALL CONSTRUCTION

Additionally, as a result of Title 42 and the lack of access to seek asylum at ports of entry, and related to the 30-foot fence addition, the University of California, San Diego, has documented a tremendously concerning spike in border-related injuries. At UC San Diego Health, there were 67 cases of trauma-related incidents due to falls at the border wall from 2016 to 2019. The number jumped to 375 between 2019 and 2021. Fatalities also increased, zero before 2019 to 16 since then. First author Amy Liepert, MD, medical director of acute care surgery at UC San Diego Health said: "This is an unseen public health crisis happening right now and it has significantly affected major local health care providers in San Diego."⁵ The Mexican government recently released a short report on the number of Mexican nationals who are injured or lost their lives at the border, some highlights:

² <https://www.aclu-sdic.org/en/press-releases/stop-splitting-families-at-the-border>.

³ https://www.aclu-sdic.org/sites/default/files/field_documents/2022_08_15_lucy-letter_final_redacted.pdf.

⁴ <https://www.aclu-sdic.org/en/press-releases/aclu-and-jewish-family-service-respond-to-oig>.

⁵ <https://health.ucsd.edu/news/releases/Pages/2022-04-29-study-unprecedented-increase-in-number-of-border-wall-falls-and-trauma.aspx>.

- In 2022, 42 Mexican nationals lost their lives while trying to cross the Tijuana-San Diego border.
- During the last 3 fiscal years, at least 646 Mexican nationals were hospitalized or died in their attempt to cross this border.
- Only 20 percent of Mexican nationals hospitalized in 2022 after attempting to cross the border suffered injuries unrelated to the wall (dehydration, heat stroke, among others). The remaining 80 percent suffered bruises, fractures, lacerations, or even more serious and permanent injuries when falling off the wall.⁶

CHIRLA'S PERSPECTIVE ON POLICY SOLUTIONS

All these policies, current and past, were first created and implemented by the Trump administration in a cruel and xenophobic effort to keep immigrants from coming to our country. More recently, a global pandemic was weaponized against these immigrants who were scapegoated as disease carriers in accordance with age-old and discredited racist tropes. These policies violated international and domestic laws, and they disproportionately harm Black, Indigenous, and Latinos, particularly from Central America, Africa, and Haiti. Further, they force people to remain in danger by pushing them to seek dangerous alternatives, including via smugglers, instead of being able to safely access the asylum system.

We echo our partners demand that CSP complete stop detaining people known to be pregnant, this would resolve the now-documented deficiencies in the agency's tracking of childbirths and detention of U.S. citizen newborns, as well as other long-standing abuses and mistreatment suffered by pregnant people in their custody.

We know the border wall and its expansion has not stop people from coming to the United States but has only made the journey even more dangerous and deadlier. Those funds could be redirected to increase capacity to process people at the Ports of Entry. Regarding border wall construction in San Diego, Friendship Park is more than a gate and walls. We support maintaining and increasing regular and unrestricted access to Friendship Park, including access to the Binational Friendship Garden of Native Plants, the area immediately surrounding the Monument, and the beach area.

It is extremely disappointing that the Biden administration continues to rely on immigration policies straight out of the previous administration's xenophobic playbook. We believe that this administration has a legal and moral obligation to welcome people with dignity, to stop criminalizing and vilifying immigrants, and to stop further border militarization. The level of unwillingness by Congress to oversee the administration's use of resources to support those fleeing danger is a disgrace for this country. It is an embarrassment to the United States, a Nation that claims to champion human rights everywhere except in its own backyard. To that effect, Congress and DHS need to work together, alongside all levels of government and community-based organizations, to appropriate and allocate the necessary resources to create a robust and humane welcoming system that does not rely on punitive detention, incarceration, and criminalization.

Thank you for considering CHIRLA's statement.

Please contact our General Counsel, Carl Bergquist, cbergquist@chirla.org, and our Southern Region Policy Manager, Esmeralda Flores eflores@chirla.org, should you have any questions.

Chairman GREEN. I want to thank the witnesses for being here. This concludes our first full hearing in this Congress. I want to thank the Members for their time and their congeniality through most of this. We have differences of opinion very clearly, but I think everyone wants what is best for our country.

To our witnesses, Ms. Kiessling, thank you for sharing your heart and the tragedy that occurred to you.

Sheriff, the challenges you are facing, I appreciate your time today.

Dr. Trenchel, really appreciate you. We spent probably more of the time, and appropriately so, on the human costs. But as we go

⁶ <https://consulmex.sre.gob.mx/sandiego/index.php/boletines/856-increasing-number-of-mexican-nationals-injured-or-dead-in-their-attempt-to-cross-the-border>.

forward throughout this Congress, there will be more opportunities to delve into the financial costs of what is going on as well.

Mr. Bier, I appreciate you. I appreciate your passion. Thanks for being here.

You know, we have heard a lot today that the crisis is due to a lack of resources. Before I close, I want to make the point that, you know, the budget didn't decrease in January 2021. The number of people on the border didn't decrease on January 2021, but a massive surge of people came across our border then. What changed was the removal of some significant policies that had been shown to work, and I think it is very important to stress that.

I think resources are needed and I agree with the comments from both sides of the aisle on that issue. But I want to stress the massive wave of 4.7 million, 1.2 million gotaways, more than the past two administrations combined didn't happen because we cut the budget or we cut the people. It happened because the President cut the policies.

With that, we will stand adjourned. What we are going to do, just before I adjourn us, we are going to take a 15-minute break. We have to reset for the votes on the oversight plan. It looks like votes on the floor are delaying a little bit, so we will be able to knock that out.

So for this hearing today, again, thank our witnesses, thank our Members. We stand adjourned.

[Whereupon, at 1:14 p.m., the committee was adjourned.]

